

PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve an amendment to Case #167 for expansion of operation.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____
(Type or Print Name)
Signature _____
Address _____
City and State _____
Attorney for Petitioner: _____
Richard A. Reid
(Type or Print Name)
Signature _____
102 W. Pennsylvania Avenue
Address
Towson, Maryland 21204
City and State
Attorney's Telephone No.: (301) 823-1800

Legal Owner(s): _____
Harold W. Gore
(Type or Print Name)
Signature _____
Address _____
City and State _____
Name, address and phone number of legal owner, contract purchaser or representative to be contacted _____
Name _____
Address _____
Phone No. _____

ORDERED By The Zoning Commissioner of Baltimore County, this 16th day of April, 1981, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 3rd day of June, 1981, at 2:00 o'clock P.M.

[Signature]
Zoning Commissioner of Baltimore County.

Z.C.O.-No. 1 (over)

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for Radio Station.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____
(Type or Print Name)
Signature _____
Address _____
City and State _____
Attorney for Petitioner: _____
Richard A. Reid
(Type or Print Name)
Signature _____
102 W. Pennsylvania Avenue
Address
Towson, Maryland 21204
City and State
Attorney's Telephone No.: (301) 823-1800

Legal Owner(s): _____
Harold W. Gore
(Type or Print Name)
Signature _____
Address _____
City and State _____
Name and telephone number of legal owner, contract purchaser or representative to be contacted _____
Name _____
Address _____
Telephone No. _____

ORDERED By The Zoning Commissioner of Baltimore County, this 16th day of April, 1981, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 3rd day of June, 1981, at 2:00 o'clock P.M.

[Signature]
Zoning Commissioner of Baltimore County.

Z.C.O.-No. 1 (over)

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE



PETITION AND SITE PLAN EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 22, 1981

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Richard A. Reid, Esquire
102 West Pennsylvania Avenue
Towson, Maryland 21204

Chairman
Nicholas B. Commodari

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

RE: Item No. 167
Petitioner - Harold W. Gore
Special Exception and
Special Hearing Petitions

Dear Mr. Reid:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Located on the southeast side of Hart Road northeast of its intersection with Providence Road in the 9th Election District, the subject property is presently improved with a transmitting tower and accessory transmitter building that are existing as a result of Case No. 76-142-X. Because of your client's proposal to construct an addition to the existing building for use as a radio studio and thereby, amend the original site plan, this combination hearing is required.

Enclosed are all comments submitted to this office from the committee members at this time. The remaining members felt that no comment was warranted. This petition was accepted for filing on the date of the enclosed certificate and a hearing scheduled accordingly.

Very truly yours,

[Signature]
NICHOLAS B. COMMODARI, Chairman
Zoning Plans Advisory Committee

Enclosures
cc: Gerhold, Cross & Etzel
412 Delaware Avenue
Towson, Maryland 21204

Baltimore County, Maryland Department Of Public Works

COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

January 8, 1976

Bureau of Engineering
ELLSWORTH N. DIVER, P. E. CHIEF

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #101 (1975-1976)
Property Owner: Robert W. Sudbrink
S/ES of Hart Rd., 3456' N/E of Providence Rd.
Existing Zoning: DR 1
Proposed Zoning: Special Exception for wireless transmitting structure and transmitting station bldg.
No. of Acres: 4.39 District: 9th

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Hart Road, an existing road is proposed to be improved in the future as a 30-foot closed section roadway on a 50-foot right-of-way. Highway improvements, including highway right-of-way widening will be required in connection with any grading or building permit application. Horizontal and vertical realignments are involved. Further information may be obtained from the Baltimore County Bureau of Engineering. The submitted plan must be revised accordingly.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

July 15, 1976

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #243 (1975-1976)
Property Owner: Robert W. Sudbrink
S/ES Hart Rd., 4050' N/E Providence Rd.
Existing Zoning: DR 1
Proposed Zoning: Special Exception for a radio studio.
Acres: 4.19 District: 9th

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

The comments supplied in connection with the Zoning Advisory Committee review of this site for Item #101 (1975-1976) are referred to for your consideration. The submitted plat indicates that the present access drive to this site traverses the adjacent Bridenstein property. The entrance locations are subject to approval by the Department of Traffic Engineering and shall be constructed in accordance with Baltimore County Standards.

Very truly yours,
[Signature]
ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:RAM:FWR:sa

R-SE Key Sheet
44 NE 11 & 12 Pos. Sheets
NE 11 C Topo
61 Trx Map

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P. E.
DIRECTOR

April 17, 1981

Mr. William E. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #167 (1980-1981)
Property Owner: Harold W. Gore
S/S Hart Rd. 3456' E. of Providence Rd.
Acres: 4.39 District: 9th

Dear Mr. Hammond:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

The comments which were supplied for this and the adjoining site to the northeast, in conjunction with the Zoning Advisory Committee review of the respective properties for Items 101 (1975-1976), 76-142X and 243 (1975-1976), 77-37X are referred to for your consideration.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 167 (1980-1981).

Very truly yours,

[Signature]
ROBERT A. MORTON, P.E., Chief
Bureau of Public Services

RAM:RAM:FWR:sa

cc: Jack Wimbley
Attachments
R-SF Key Sheet
44 NE 12 Pos. Sheet
NE 11 C Topo
61 Tax Map

Item #101 (1975-1976)
Property Owner: Robert W. Sudbrink
Page 2
January 8, 1976

Storm Drains: (Cont'd)

Future drainage and utility easements may be required through this site.

Water:

Public water supply can be extended to serve this property which indicates proposed use of a well on petitioner's property adjacent to and northeast of this site.

Sanitary Sewer:

Public sanitary sewerage is not available to serve this site which proposed to utilize a private onsite sewage disposal system.

Very truly yours,
[Signature]
ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:RAM:FWR:sa

cc: J. Tronney

R-SE Key Sheet
44 NE 11 & 12 Pos. Sheets
NE 11 C Topo
61 Tax Map

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts that:

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Special Exception



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211

NORMAN E. GERBER
DIRECTOR

May 18, 1981

Mr. William Hammond, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #167, Zoning Advisory Committee Meeting, March 24, 1981, are as follows:

Property Owner: Harold W. Gore
Location: S/S Hart Road 3456' E. of Providence Road
Acres: 4.7
District: 9th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

Landscaping should be provided for the site.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planner III
Current Planning and Development



BALTIMORE COUNTY
DEPARTMENT OF HEALTH
TOWSON, MARYLAND 21204

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE & COUNTY HEALTH OFFICER

March 17, 1981

Mr. William E. Hammond
Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item 167, Zoning Advisory Committee Meeting of March 24, 1981, are as follows:

Property Owner: Harold W. Gore
Location: S/S Hart Road 3456' E. of Providence Road
Existing Zoning: D.R. 1
Proposed Zoning: Special Exception for Radio Studio and Special Hearing to amend the site plan for Case 76-142 X for allow expansion of operation
Acres: 4.39
District: 9th

A water well and sewage disposal system are proposed. Although metropolitan water is not presently available, the property is located in an area designated as a W-1 planned service area. The owner must therefore either extend metropolitan water to serve the property or if this proves too costly, submit a written request to this office, to approve a variance to the W-1 service area and allow a well to be drilled.

All requirements of the Maryland State Department of Health and Baltimore County Department of Health pertaining to private water and or sewage systems must be complied with prior to approval of building applications.

Mr. William E. Hammond
Zoning Commissioner
March 17, 1981
Page 2-

If a well is to be used, prior to occupancy of the building, a bacteriological water supply must be collected to verify the potability at the water supply.

Very truly yours,
Ian J. Forrest
Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

IJF/kc



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204
825-7310

PAUL H. REINCKE
CHIEF

March 20, 1981

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Harold W. Gore

Location: S/S Hart Road 3456' E. of Providence Road

Item No.: 167 Zoning Agenda Meeting of March 24, 1981

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

☒ 1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works. Fire hydrants at 300 feet intervals

☐ 2. A second means of vehicle access is required for the site.

☐ 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

☐ 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

☒ 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

☐ 6. Site plans are approved, as drawn.

☐ 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Capt. J. J. Kelly* Noted and Approved: *Nick Commodari*
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3010

TED ZALESKI JR.
DIRECTOR

March 24, 1981

Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item # 167 Zoning Advisory Committee Meeting, March 24, 1981

are as follows:

Property Owner: Harold W. Gore
Location: S/S Hart Road 3456' E. of Providence Road
Existing Zoning: D.R. 1
Proposed Zoning: Special Exception for Radio Studio and Special Hearing to amend the site plan for Case #76-142 X for allow expansion of operation.

Acres: 4.39
District: 9th

The items checked below are applicable:

X A. All structures shall conform to the Baltimore County Building Code 1978, the State of Maryland Code for the Handicapped and other applicable Codes, and other miscellaneous

X B. A building/ permit shall be required before beginning construction.

C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required.

X D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.

2. In wood frame construction an exterior wall erected within 5' 0" of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3' 0" of lot line. A minimum 6" masonry firewall is required if construction is on the lot line.

F. Requested variance conflicts with the Baltimore County Building Code, Section/s _____

G. A change of occupancy shall be applied for, along with an alteration permit application, and three required set s of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.

H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 305 and the required construction classification of Table 211.

X I. Comments: Show handicap parking, signs, curb cuts, building access, etc., on plans.

NOTE: These comments reflect only on the information provided by the drawing submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired additional information may be obtained by visiting Room #122 (Plans Review) at 111 West Chesapeake Ave., Towson.

Very truly yours,

Charles E. Burdick
Charles E. Burdick, Chief
Plans Review

CEB:rrj

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: March 19, 1981

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: March 24, 1981

RE: Item No: 166, 167, 168, 169
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

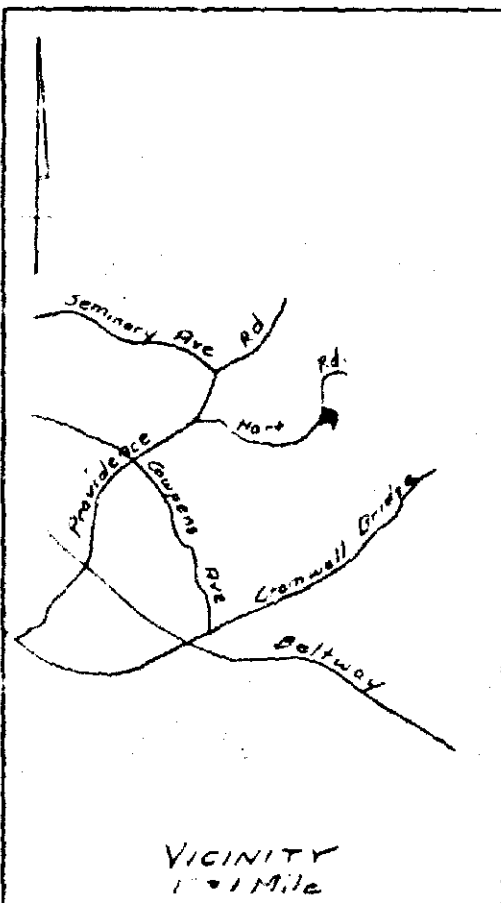
Dear Mr. Hammond:

All of the above have no bearing on student population.

Very truly yours,

Nick Petrovich
Mr. Nick Petrovich, Assistant
Department of Planning

WNP/bp



VICINITY
1" = 1 MILE

3456' to
Providence Rd.

L. Bridenstein
DR-1 Zone

HART

Proposed Widening Line

Area = 4.39 Acres ±

N 61° 13' 30" E 757.09'

Charles F. Eck
DR-1 Zone

Frances W. Sherwood
DR-1 Zone

Existing Zoning - DR-1
Existing Use - Radio Transmitter - 50' x 16' x 12' x
Proposed Use - Radio Transmitter
with studio

Area = 4.39 Acres ±

Parking Spaces Required

1st Floor area 1456' x 400' = 582,400 sq. ft. 185' x 7' SPACES

2nd Floor area 1456' x 39' = 56,784 sq. ft. 3 SPACES
REQUIRED 10 SPACES

No. Spaces Provided 11 SPACES

No Public Sewer

No Public Water

DEED REF. ENCL. NO. 5653 BALDWIN 834
OWNER: HAROLD W. GORE

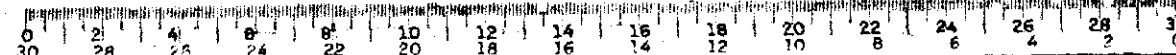
PLAT TO ACCOMPANY ZONING PETITION
ZONE DR-1 WITH SPECIAL EXCEPTION
FOR RADIO STUDIO

1" = 100' BALTIMORE COUNTY, MD.

REVISIONS MARCH 3, 1981
REVISIONS FEB 20, 1981

Scale 1" = 50' Feb. 20, 1981

GERHOLD, CROSS & ETZEL
Professional Land Surveyors
412 Delaware Ave.
Towson, Md. 21204



ROYSTON, MUELLER, MCLEAN & REID
ATTORNEYS AT LAW
SUITE 600
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 823-1800

OF COUNSEL
JOHN L. ASKEW

CARROLL W. ROYSTON
H. ANTHONY MUELLER
R. TAYLOR MCLEAN
RICHARD A. REID
E. HARRISON STONE
MILTON R. SMITH, JR.
C. S. KLINGELHOFFER, III
THOMAS F. McDONOUGH
LAWRENCE F. HALLIP

February 16, 1982

Edith T. Eisenhart, Administrative Secretary
County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

Re: Case No. 81-206-XSPH
Harold W. Gore
S/S Hart Road, 3456' NE of Providence Road
Ninth Election District

Dear Ms. Eisenhart:

Would you please schedule the above entitled case for hearing
before the County Board of Appeals at the earliest possible date.

Very truly yours,

Richard A. Reid

RAR/keg

cc: Thomas L. Hennessey, Esq.
J. W. Hessian III, Esq.

BALTIMORE COUNTY
JAN 17 2 10 PM '82
RECEIVED
CLERK

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

January 14, 1982

NOTICE OF POSTPONEMENT

CASE NO. 81-206-XSPH

HAROLD W. GORE

S/S Hart Road, 3456'
NE of Providence Rd.

9th District

Scheduled for hearing on Tuesday, January 26, 1982 at 10 a.m. has been

POSTPONED at the request of Counsel for Protestants (in court)

cc: Richard A. Reid, Esq.
Harold W. Gore
Thomas L. Hennessey, Esq.
Charles E. Thomas, Jr.
J. T. Manning
L. J. Fink
W. Skinner
G. Mott
D. Skinner
K. McGonnigal
C. Brown
J. Tapacati
M. Cooper
R. Mott
L. Cooper
F. Mott, Jr.
R. McGonnigal
F. C. Back
W. E. Hammond
J. E. Dyer
J. Jung
N. E. Gerber
J. G. Hoswell
J. W. Hessian, III, Esq.

Edith T. Eisenhart, Adm. Secretary

LAW OFFICES

Thomas L. Hennessey, P.E.

THOMAS L. HENNESSEY
LAWRENCE ANTHONY MELFA
JAMES D. O'CONNOR

January 8, 1982

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

Re: Case No. 81-206-XSPH
Harold W. Gore
Westside Hart Road
Date of Trial: Tuesday, January 26, 1982
at 10 a.m.

Gentlemen:

I have received the trial date of January 26, 1982, on the above-entitled matter. Unfortunately, prior to that time, I was scheduled for a jury trial in Baltimore County which is estimated to take three days and this trial will proceed as it currently appears. The trial is of a criminal nature and it involves two separate defendants, being Case No. 75822 and 75823. I am attaching herewith a copy of the Central Assignment's trial notice showing the scheduling of that trial as of December 7 and request that you re-assign the hearing for Tuesday, January 26, 1982. In the re-assignment, I request that you not place the matter in for a hearing during the period of time from February 12 to the end of the month since I have a planned vacation out of the continental United States in Innsbruck, Austria. I am sending copies of this letter to the attorney for the Petitioner, Harold Gore, Mr. Richard A. Reid, so that he might be advised of my request. Insofar as the protestants whom I represent, they will receive an individual letter acquainting them with the facts of the requested postponement through their representative to this office.

Thank you very much for your cooperation.

Yours very truly,

Thomas L. Hennessey

TLH/kan

Enc.

cc: Richard A. Reid, Esquire

W. E. Hammond

BALTIMORE COUNTY
JAN 11 11 3 AM '82
RECEIVED
CLERK

CA-3-12-12-82

CIRCUIT COURT FOR BALTIMORE COUNTY
CRIMINAL ASSIGNMENT OFFICE
TOWSON, MARYLAND 21204
494-2691

TO Thomas L. Hennessey, Esq.
407 W. Pennsylvania Ave.
Towson, MD 21204

DATE: December 7, 1981

RE: Case No. 75823

State of Maryland vs. Paul Phillip Briggs

The Jury Trial of the above entitled case has been definitely

scheduled for January 25, 1982

at 9:30 A.M., Third Floor, County Courts Building, 401 Bosley Avenue, Towson, Maryland 21204.

Any postponement of this date must be in accordance with Maryland Code, Article 27, Section 501a. and if requested within 15 days of the date of trial, such request must be made directly to the Judge to whom the case is assigned for trial. In the event counsel desires to submit legal memoranda, or points of authority, it must be submitted at least 5 days prior to the hearing or trial.

JOAN MATHER,
Criminal Assignment Commissioner

CA-3-12-12-81

CIRCUIT COURT FOR BALTIMORE COUNTY
CRIMINAL ASSIGNMENT OFFICE
TOWSON, MARYLAND 21204
494-2694

TO Thomas L. Hennessey, Esq.
407 W. Pennsylvania Ave.
Towson, MD 21204

DATE: December 7, 1981

RE: Case No. 75822

State of Maryland vs. William Stump, Jr.

The Jury Trial of the above entitled case has been definitely

scheduled for January 25, 1982

at 9:30 A.M., Third Floor, County Courts Building, 401 Bosley Avenue, Towson, Maryland 21204.

Any postponement of this date must be in accordance with Maryland Code, Article 27, Section 501a. and if requested within 15 days of the date of trial, such request must be made directly to the Judge to whom the case is assigned for trial. In the event counsel desires to submit legal memoranda, or points of authority, it must be submitted at least 5 days prior to the hearing or trial.

JOAN MATHER,
Criminal Assignment Commissioner

ROYSTON, MUELLER, MCLEAN & REID
ATTORNEYS AT LAW
SUITE 600
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 823-1800

OF COUNSEL
JOHN L. ASKEW

CARROLL W. ROYSTON
H. ANTHONY MUELLER
R. TAYLOR MCLEAN
RICHARD A. REID
E. HARRISON STONE
MILTON R. SMITH, JR.
C. S. KLINGELHOFFER, III
THOMAS F. McDONOUGH

August 12, 1981

Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Petitions for Special Exception and Special Hearing
S/S of Hart Road, 3,456' NE of Providence Road
9th Election District - Harold W. Gore, Petitioner
No. 81-206-XSPH (Item No. 167)

Dear Sir:

Please note an appeal to the County Board of Appeals of Baltimore County from the order of the Deputy Zoning Commissioner in the above entitled case dated July 16, 1981.

The person appealing is the Petitioner, Harold W. Gore, 3081 E. Commercial Boulevard, Ft. Lauderdale, Florida 33308. Mr. Gore is the legal owner of the property involved.

Enclosed is our check in the amount of \$80.00 representing the costs of filing this appeal plus the cost of posting.

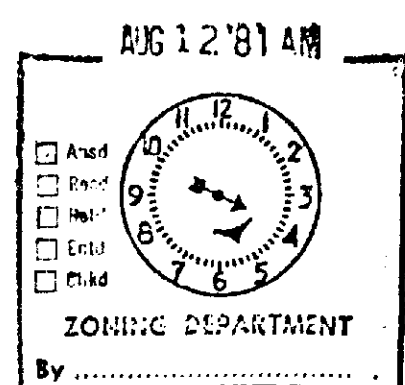
Very truly yours,

Richard A. Reid

Attorney for Appellant (Petitioner)

RAR/keg
Enclosure

HAND DELIVERED



494-3180

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

Feb. 22, 1982

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. 81-206-XSPH

HAROLD W. GORE

S/S Hart Rd., 3,456' NE of Providence Rd.

9th District

SE-Radio Studio
SPH-Amendment to site plan

7/16/81 - DZC DENIED special exception
and special hearing

WEDNESDAY, MARCH 24, 1982, at 10 a.m.

ASSIGNED FOR:

cc: Richard A. Reid, Esq.
Harold W. Gore
Thomas L. Hennessey, Esq.
Charles Thomas, Jr.
J. T. Manning
L. J. Fink
W. Skinner
G. Mott
D. Skinner
K. McGonnigal
C. Brown
J. Tapacati
M. Cooper
R. Mott
L. Cooper
F. Mott, Jr.
R. McGonnigal
F. C. Back
J. Dyer
J. Jung
N. Gerber
J. Hoswell
W. Hammond
J. Hessian, Esq.

Counsel for Petitioner
Petitioner
Counsel for Protestants
Protestant
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June Holmen, Secretary

494-3180

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

January 14, 1982

NOTICE OF POSTPONEMENT

CASE NO. 81-206-XSPH

HAROLD W. GORE

S/S Hart Road, 3456'
NE of Providence Rd.

9th District

Scheduled for hearing on Tuesday, January 26, 1982 at 10 a.m. has been

POSTPONED at the request of Counsel for Protestants (in court)

cc: Richard A. Reid, Esq.
Harold W. Gore
Thomas L. Hennessey, Esq.
Charles E. Thomas, Jr.
J. T. Manning
L. J. Fink
W. Skinner
G. Mott
D. Skinner
K. McGonnigal
C. Brown
J. Tapacati
M. Cooper
R. Mott
L. Cooper
F. Mott, Jr.
R. McGonnigal
F. C. Back
W. E. Hammond
J. E. Dyer
J. Jung
N. E. Gerber
J. G. Hoswell
J. W. Hessian, III, Esq.

Edith T. Eisenhart, Adm. Secretary

In the matter of Harold W. Gore

Fred Mott, Jr. - Protestant

IN THE CIRCUIT COURT

Vs.

FOR

County Board of Appeals of Balto. Co.

BALTIMORE COUNTY

Docket 14 Folio 321

Case No. 82-M-316

NOTICE OF FILING OF RECORD

TO: Richard A. Reid Thomas L. Hennessey Co. Bd. of Appeals
Ste. 600 - 102 W. Penna. Ave. 407 W. Penn. Ave. June Holmen
P.O. Box 5473 P.O. Box 5473 Mail Stop 2203
Towson, Md. 21204 Towson, Md. 21204

In accordance with Maryland Rule of Procedure B12, you are notified that the record in the above entitled case was filed on Jan. 18, 1983.

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary

494-3180

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204
January 18, 1983

Richard A. Reid, Esquire
102 W. Pennsylvania Avenue
Towson, Md. 21204

Re: Case No. 81-206-XSPH
Harold W. Gore

Dear Mr. Reid:

Attached hereto is a copy of the corrected Page 2 of the Opinion and Order in the above entitled case which we request that you insert in its proper place and discard the previous Page 2 which was included in this Order. Thank you.

Very truly yours,

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary

Encl.

cc: Harold W. Gore
Thomas L. Hennessey, Esq.
Charles E. Thomas, Jr.
James T. Manning
Wayne Skinner
Geneva Mott
Donald P. Skinner
Katie McGonnigal
Clara Brown
Frank Tapscott
Madeline Cooper
Randall Mott
Larry Cooper
Fred Mott, Jr.
Richard F. McGonnigal
Frederick C. Back
W. E. Hammond
J. E. Dyer

N. E. Gerber
J. G. Hoswell
John W. Hession, III, Esq.
Lyndon J. Fink

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. W. E. Hammond, Zoning Commissioner

Office of Planning and Zoning

TO: William T. Hockett, Chairman

FROM: County Board of Appeals

Date: Oct. 21, 1982

SUBJECT: Certified copies of zoning documents

Harold W. Gore Case No. 81-206-XSPH

Attached please find the necessary documents from the

Zoning Commissioner's file which must be certified as True Test copies for the

Circuit Court.

Please certify these documents and return same to this

office.

Very truly yours,

William T. Hockett
William T. Hockett, Chairman
County Board of Appeals

494-3180

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204
October 21, 1982

Thomas L. Hennessey, Esq.
407 W. Penna. Ave.
Towson, Md. 21204

Dear Mr. Hennessey:

Re: Case No. 81-206-XSPH
Harold W. Gore

In accordance with Rule 8-7 (a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the zoning appeal which you have taken to the Circuit Court for Baltimore County in the above matter within thirty days.

The cost of the transcript of the record must be paid by you. Certified copies of any other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you might file in court, in accordance with Rule 8-7 (a).

Enclosed is a copy of the Certificate of Notice; also invoice covering the cost of certified copies of necessary documents.

Very truly yours,

June Holmen
June Holmen, Secretary

Encl.

cc: C. E. Thomas, Jr.
James Manning
Lyndon Fink
W. & D. Skinner
G. & R. & F. Mott
K. & R. McGonnigal

C. Brown
F. Tapscott
M. & L. Cooper
F. C. Back

494-3180

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204
September 22, 1982

Richard A. Reid, Esq.
102 W. Pennsylvania Ave.
Towson, Md. 21204

Dear Mr. Reid:

Re: Case No. 81-206-XSPH
Harold W. Gore

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

June Holmen
June Holmen, Secretary

Encl.

cc: Harold W. Gore
T. L. Hennessey, Esq.
Charles E. Thomas, Jr.
L. J. Fink
Wayne Skinner
Geneva Mott
Donald Skinner
Katie McGonnigal
Clara Brown
Frank Tapscott

Madeline Cooper
Randall Mott
Larry Cooper
Fred Mott, Jr.
Richard McGonnigal
Frederick C. Back
J. Dyer
J. Jung
N. Gerber
J. Hoswell
W. Hammond
J. W. Hession, Esq.

Oct. 21, 1982

BILLED TO: Thomas L. Hennessey, Esq.
407 W. Penna. Ave. (21204)

Cost of certified documents filed
in Case No. 81-206-XSPH \$ 28.00

Harold W. Gore
S/s Hart Rd., 3456' NE of Providence Rd.
9th District

MAKE CHECKS PAYABLE TO: Baltimore County, Md.

REMIT TO: County Board of Appeals
Rm. 200, Court House,
Towson, Md. 21204

494-3180

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204
October 21, 1982

Richard A. Reid, Esq.
102 W. Pennsylvania Ave.
Towson, Md. 21204

Dear Mr. Reid:

Re: Case No. 81-206-XSPH
Harold W. Gore

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

June Holmen
June Holmen, Secretary

Encl.

cc: Harold W. Gore
J. W. Hession, Esq.
J. Dyer
W. Hammond
J. Jung
N. Gerber
J. Hoswell

LAW OFFICES

Thomas L. Hennessey, P.S.I.

THOMAS L. HENNESSEY
LAWRENCE ANTHONY MELFA
JAMES D. O'CONNOR

407 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
RETURN MAIL ADDRESS
BOX NO. 5473
TOWSON, MARYLAND 21204

June 24, 1982

Mr. William T. Hockett, Chairman
Board of Appeals
Room 219, Court House
Towson, Maryland 21204

Re: Case No. 81-206-XSPH
Harold W. Gore
Westside Hart Road

Dear Mr. Hackett:

In accordance with our representation to you, we have tried to check out the matter of the constructed tower in connection with Petitioner's Exhibit No. 7. Mr. Reid has furnished me with certain information concerning the erectors and a phone number. I have checked as far as we can and feel that we will not raise any further objection as to whether or not the tower is erected in accordance with Exhibit No. 7 and, therefore, other than hoping the Board views the property, we shall await receiving your decision.

Yours very truly,

Thomas L. Hennessey
Thomas L. Hennessey

TLH/kan
cc: Richard A. Reid, Esquire

FILED
BALTIMORE COUNTY
JUN 25 10 57 AM '82
CLERK
BY: J. S.

COPY

ROYSTON, MUELLER, McLEAN & REID
SUITE 600
102 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 823-1800

June 22, 1982

Thomas L. Hennessey, Esquire
407 West Pennsylvania Avenue
Towson, Maryland 21204

Re: Case No. 81-206-XSPH
Harold W. Gore
Westside Hart Road

Dear Tom:

This will confirm the information which I gave your office by telephone this date. The WTOP broadcasting tower was erected by the same people who prepared the specifications therefor which have been admitted into evidence as Petitioner's Exhibit 7. Their address is Utility Tower Company, 3200 Northwest 38th, Oklahoma City, Oklahoma 73112. I am advised that their Bob Morris is knowledgeable about this matter and can be reached at area code 405, 946-5551.

Very truly yours,

Richard A. Reid

RAR:jbb

cc: William T. Hackett, Chairman
J. W. Hessian III, Esquire

12/9/81 - Following were notified of hearing set for Tues. Jan. 26, 1982, at 10 a.m.:

R. Reid, Esq.
H. Gore
T. Hennessey, Esq.
C. Thomas, Jr.
J. Manning
L. Fink
W. Inner
G. Mott
D. Skinner
K. McGonnigal
C. Brown
J. Tapacati
M. Cooper
R. Mott
L. Cooper
F. Mott, Jr.
P. McGonnigal
F. Back
J. Dyer
J. Jung
M. Gerber
J. Hoswell
W. Hammond
J. Hessian, Esq.

2/22/82 - Above notified of hearing set for WEDNESDAY, MARCH 24, 1982, at 10 a.m.

3/26/82 - Above notified of contd. hearing set for Thursday, June 17, 1982, at 10 a.m.

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

Feb. 22, 1982

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. 81-206-XSPH

HAROLD W. GORE

S/s Hart Rd., 3,456' NE of Providence Rd.

9th District

SE-Radio Studio
SPH-Amendment to site plan

7/16/81 - DZC DENIED special exception
and special hearing

ASSIGNED FOR:

WEDNESDAY, MARCH 24, 1982, at 10 a.m.

cc: Richard A. Reid, Esq.
Harold W. Gore
Thomas L. Hennessey, Esq.
Charles Thomas, Jr.

Counsel for Petitioner
Petitioner
Counsel for Protestants
Protestant

J. T. Manning
L. J. Fink
W. Skinner
G. Mott
D. Skinner
K. McGonnigal
C. Brown
J. Tapacati
M. Cooper
R. Mott
L. Cooper
F. Mott, Jr.
R. McGonnigal
F. C. Back
J. Dyer
J. Jung
N. Gerber
J. Hoswell
W. Hammond
J. Hessian, Esq.

Hampton Garden's Community Assn Inc.

LAW OFFICES

Thomas L. Hennessey, P.C.

THOMAS L. HENNESSEY
JAMES D. O'CONNOR
G. DARRELL RUSSELL, JR.
PHILIP J. LOHREY, JR.

February 17, 1983

Clerk, Circuit Court for Baltimore County
401 Bosley Avenue
P.O. Box 6754
Towson, Maryland 21204

Re: In the Matter of the Application of Harold W. Gore
For a Special Exception and a Special Hearing on
Property Located on the South Side of Hart Road,
3,456 feet Northeast of Providence Road
Zoning File No. 81-206-XSPH
Misc Docket No. 14, 321/82-M-316

Dear Mr. Clerk:

Please file the attached Memorandum of Law in the above entitled case.

Thank you.

Yours very truly,

Thomas L. Hennessey

TLH:cwh
Enclosure

cc: Board of Appeals
Richard A. Reid, Esquire
John W. Hessian, Esquire

September 2, 1981

Richard A. Reid, Esquire
Suite 600
102 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Petitions for Special Hearing and Special Exception
S/s Hart Road, 3456' NE of Providence Road
Harold W. Gore, Petitioner
Case #81-206-XSPH Item #167

Dear Mr. Reid:

Please be advised that I have received your appeal from the decision rendered by the Deputy Zoning Commissioner of Baltimore County in the above-referenced matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the County Board of Appeals.

Very truly yours,

William E. Hammond
Zoning Commissioner

WEH:kir

cc: John W. Hessian, III, Esquire
People's Counsel

Thomas L. Hennessey, Esquire
407 W. Pennsylvania Avenue
Towson, Maryland 21204

UPON RECEIPT OF THIS NOTICE: Counsel shall contact each other immediately to conform calendars. Claim of not receiving notice will not constitute a reason for postponement.

POSTPONEMENTS: If the above date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel involved. POSTPONEMENTS WITHIN 15 DAYS OF TRIAL must be made to the attention of the Director of Central Assignments - Joyce Grimm - 494-3497.

SETTLEMENT CONFERENCES: All counsel must secure the attendance of all parties necessary to effect a binding settlement, including clients and insurance representatives. THERE WILL BE NO EXCEPTIONS PER ORDER OF JUDGE FRANK E. CLONE. Please direct all inquiry, to the attention of Job Adams.

SETTLEMENTS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put on the record if no order of satisfaction is filed prior to trial.

HEARING DATE:

Friday, June 17, 1983, @ 9:30 a.m.
Appeals 2 hours
Not conflicting notice of an agreed counsel date.

ON THE FOLLOWING:

Appeals 2 hours

RE:

NJ - 82 N 316 - IN THE MATTER OF THE APPLICATION OF HAROLD W. GORE VS COUNTY BD. OF APPEALS PO BALTO. CO.

Job Adams - 494-2660
Civil Assignment Commissioner
Settlement Court

Marie Escalano - 494-2662
Masters Assignment Clerk
Medical Records

Thomas L. Hennessey, Esq.
County Board of Appeals
Thomas J. Bollinger, Esq.

Richard A. Reid, Esq.
County Board of Appeals
P.O. Box 6754
Towson, Maryland 21204-0754
April 27, 1993.

ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 Bosley Avenue
P.O. Box 6754
Towson, Maryland 21204-0754
April 27, 1993.

Kathy Rushton - 494-2660
Assignment - Jury - Motions
Marie Fennell
Assistant Clerk Typist
Irene Summers - 494-2661
Assignment - Non-Jury - Motions
Freddie Grove
Assistant Clerk Typist

UPON RECEIPT OF THIS NOTICE: Counsel shall contact each other immediately to conform calendars. Claim of not receiving notice will not constitute a reason for postponement.

POSTPONEMENTS: If the above date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel involved. POSTPONEMENTS WITHIN 15 DAYS OF TRIAL must be made to the attention of the Director of Central Assignments - Joyce Grimm - 494-3497.

SETTLEMENT CONFERENCES: All counsel must secure the attendance of all parties necessary to effect a binding settlement, including clients and insurance representatives. THERE WILL BE NO EXCEPTIONS PER ORDER OF JUDGE FRANK E. CLONE. Please direct all inquiry, to the attention of Job Adams.

SETTLEMENTS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put on the record if no order of satisfaction is filed prior to trial.

HEARING DATE:

Tuesday, April 26, 1993, @ 9:30 a.m.
Appeals 2 hours

ON THE FOLLOWING:

Appeals 2 hours

RE:

NJ - 82 N 316 - IN THE MATTER OF THE APPLICATION OF HAROLD W. GORE VS COUNTY BD. OF APPEALS PO BALTO. CO.

Job Adams - 494-2660
Civil Assignment Commissioner
Settlement Court

Marie Escalano - 494-2662
Masters Assignment Clerk
Medical Records

Thomas L. Hennessey, Esq.
County Board of Appeals
Thomas J. Bollinger, Esq.

Richard A. Reid, Esq.
County Board of Appeals
P.O. Box 6754
Towson, Maryland 21204-0754
February 4, 1993.

ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 Bosley Avenue
P.O. Box 6754
Towson, Maryland 21204-0754
February 4, 1993.

Kathy Rushton - 494-2660
Assignment - Jury - Motions
Marie Fennell
Assistant Clerk Typist
Irene Summers - 494-2661
Assignment - Non-Jury - Motions
Freddie Grove
Assistant Clerk Typist

UPON RECEIPT OF THIS NOTICE: Counsel shall contact each other immediately to conform calendars. Claim of not receiving notice will not constitute a reason for postponement.

POSTPONEMENTS: If the above date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel involved.

SETTLEMENT CONFERENCES: All counsel must secure the attendance of all parties necessary to effect a binding settlement, including clients and insurance representatives. THERE WILL BE NO EXCEPTIONS PER ORDER OF JUDGE FRANK E. CLONE. Please direct all inquiry, to the attention of Job Adams.

SETTLEMENTS: If a settlement is reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put on the record if no order of satisfaction is filed prior to trial.

HEARING DATE:

Monday, January 24, 1993, @ 9:10 a.m., agreed date.
ALL OTHER MOTIONS IN THIS CASE.
IF YOU DESIRE TO SUBMIT, PLEASE CONTACT CIVIL ASSIGNMENT.

ON THE FOLLOWING:

Appeals 2 hours

Appeals 2 hours

WILLIAM E. HAMMOND
ZONING COMMISSIONER

July 16, 1981

Richard A. Reid, Esquire
102 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Petitions for Special Exception and
Special Hearing
S/S of Hart Rd., 3,456' NE of Providence
Rd. - 9th Election District
Harold W. Gore - Petitioner
NO. 81-206-XSPH (Item No. 167)

Dear Mr. Reid:

I have this date passed my Order in the above captioned matter in accordance
with the attached.

Very truly yours,

Jean M. N. Jung
JEAN M. H. JUNG
Deputy Zoning Commissioner

JMHJ/mc

Attachments

cc: Thomas L. Hennessey, Esquire
407 West Pennsylvania Avenue
Towson, Maryland 21204

John W. Hessian, III, Esquire
People's Counsel

May 5, 1981

Richard A. Reid, Esquire
102 W. Pennsylvania Avenue
Towson, Maryland 21204

OFFICE OF HEARING

TIME: 2:00 P.M.

DATE: Wednesday, June 3, 1981

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,

TOWSON, MARYLAND

ZONING COMMISSIONER OF
BALTIMORE COUNTY

PETITION FOR SPECIAL EXCEPTION AND SPECIAL HEARING

9th DISTRICT

ZONING: Petition for Special Exception and Special Hearing
LOCATION: South side of Hart Road 3,456 feet northeast of Providence Rd.
DATE & TIME: Wednesday, June 3, 1981, at 2:00 P.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue,
Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and
Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for a radio studio; and Special
Hearing under Section 500.7 of the Zoning Regulations of
Baltimore County, to determine whether or not the Zoning
Commissioner and/or Deputy Zoning Commissioner should
approve an amendment to the site plan in case 76-142X for
expansion of operation.

All that parcel of land in the Ninth Election District of Baltimore County

Being the property of Harold W. Gore as shown on plat plan filed with the Zoning
Department

Hearing Date: Wednesday, June 3, 1981, at 2:00 P.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue,
Towson, Maryland

BY ORDER OF
WILLIAM E. HAMMOND
ZONING COMMISSIONER
OF BALTIMORE COUNTY

GEPHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
412 DELAWARE AVENUE
TOWSON, MARYLAND 21204
823-4470

EMERITUS
PAUL G. DOLLEBERG
FRED H. DOLLEBERG

February 20, 1981

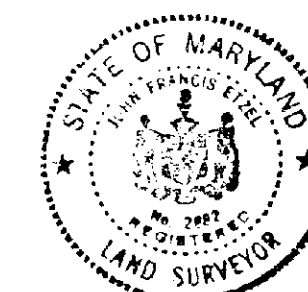
Zoning Description

All that piece or parcel of land situate, lying and being in
the Ninth Election District of Baltimore County, State of Maryland
and described as follows to wit:

Beginning for the same at a point in the center of Hart
Road at a distance of 3456 feet measured easterly and northeasterly
along Hart Road from the center of Providence Road and thence leav-
ing said road and running the four following courses and distances
viz: South 45 degrees 09 minutes East 240.77 feet, South 38 degrees
42 minutes 30 seconds West 157.91 feet, North 61 degrees 13 minutes
30 seconds East 757.09 feet and North 45 degrees 09 minutes West
418.72 feet to the center of Hart Road and thence binding in Hart
Road, the three following courses and distances viz: South 41 de-
grees 35 minutes West 214.89 feet, South 37 degrees 31 minutes West
189.75 feet and South 72 degrees 55 minutes West 188.83 feet to the
place of beginning.

Containing 4.39 Acres of land more or less.

Being the proerty of the petitioner herein and shown on a
plat filed with the Zoning Department.



CARL L. GERHOLD
PHILIP K. CROSS
JOHN F. ETZEL
WILLIAM G. ULRICH
GORDON T. LANGDON

GERHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
412 DELAWARE AVENUE
TOWSON, MARYLAND 21204
823-4470

EMERITUS
PAUL G. DOLLEBERG
FRED H. DOLLEBERG

February 20, 1981

Zoning Description

All that piece or parcel of land situate, lying and being in
the Ninth Election District of Baltimore County, State of Maryland
and described as follows to wit:

Beginning for the same at a point in the center of Hart
Road at a distance of 3456 feet measured easterly and northeasterly
along Hart Road from the center of Providence Road and thence leav-
ing said road and running the four following courses and distances
viz: South 45 degrees 09 minutes East 240.77 feet, South 38 degrees
42 minutes 30 seconds West 157.91 feet, North 61 degrees 13 minutes
30 seconds East 757.09 feet and North 45 degrees 09 minutes West
418.72 feet to the center of Hart Road and thence binding in Hart
Road, the three following courses and distances viz: South 41 de-
grees 35 minutes West 214.89 feet, South 37 degrees 31 minutes West
189.75 feet and South 72 degrees 55 minutes West 188.83 feet to the
place of beginning.

Containing 4.39 Acres of land more or less.

Being the proerty of the petitioner herein and shown on a
plat filed with the Zoning Department.



LAW OFFICES
Thomas L. Hennessey, P.E.

THOMAS L. HENNESSEY
LAWRENCE ANTHONY MELFA
JAMES D. O'CONNOR

407 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
RETURN MAIL ADDRESS
BOX NO. 5473
TOWSON, MARYLAND 21204

September 8, 1981

William E. Hammond, Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Petitions for Special Hearing and Special Exception
S/S Hart Road, 3456' NE of Providence Road
Harold W. Gore, Petitioner
Case No. 81-206-XSPH Item #167

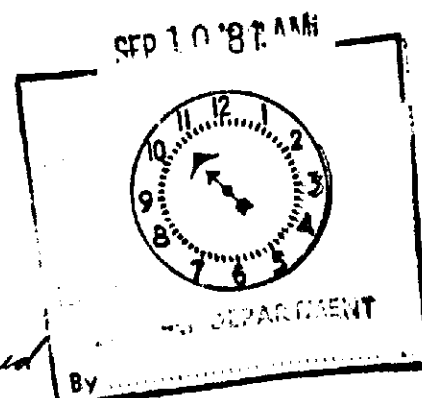
Dear Mr. Hammond:

I received your notification concerning the Petition for Special
Hearing as being appealed in the above-entitled matter. My copy of the Order
of Ms. Jung is dated July 16, 1981. I have received no notice of appeal and
since the appellate time should have expired on August 15, my clients are request-
ing that I verify the date which the appeal was noted in the Zoning Office.

Yours very truly,

Thomas L. Hennessey
Thomas L. Hennessey

TLH/kan
cc: Mr. Frederick E. Mott, Jr.
Richard A. Reid, Esquire
John W. Hessian, III, Esquire



MR. Hennessey and advised
him of the appeal date.
9/14/81

ROYSTON, MUELLER, MCLEAN & REID
ATTORNEYS AT LAW
SUITE 600
100 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(410) 823-1800

CARROLL W. ROYSTON
H. ANTHONY MUELLER
R. TAYLOR MCLEAN
RICHARD A. REID
E. HARRISON STONE
MILTON R. SMITH, JR.
C.S. KUNDELHOFER, III
THOMAS F. McDONOUGH

JOHN L. ASKEW

June 5, 1981

Jean M. H. Jung, Deputy Commissioner
Office of the Zoning Commissioner
401 Bosley Avenue
4th Floor, New Courts Building
Towson, Maryland 21204

Re: Petition No. 81-206 XSPH Item 167
Harold W. Gore, Petitioner

Dear Deputy Commissioner Jung:

I understand that Mr. Etzel has delivered to you the site
plan first dated May 18, 1976, the transparency of which was
introduced in evidence at the hearing of the above entitled case
on Wednesday. I have reviewed the microfilm printout of the file
in Zoning Case No. 77-37-X (WLIF). The plat delivered to you by Mr.
Etzel is, in fact, the zoning plat for that case as Mr. Etzel testified.
The restrictions in the WLIF case have then no bearing whatsoever
upon the current case. Accordingly, the reservation which I expressed
at the close of the hearing to preserve my right to examine the
original zoning file in the WLIF case, if and when it is located, is
no longer necessary and is hereby withdrawn.

Further, I would like to again point out that Paragraph 5 of
the Petitions filed by Protestants (Protestants' Exhibit 1) is in
error, as confirmed by the foregoing. Paragraph 3 of Protestants'
Exhibit 1 is also in error. There was only one other zoning case
for subject property, being Case No. 76-142-X, the special exception
exist on the site. That file has been made part of the record in
this case and demonstrates that the residents of Hart Road did not
consent to the special exception as alleged in Paragraph 3 of
Protestants' Exhibit 1, but vigorously opposed it.

In addition, I would like to call your attention to the
fact that I do not think the zoning map which you obtained showing
two special exceptions was ever formally introduced in evidence.
Since it was referred to at the hearing, I think that it should
be made part of the record and given an exhibit number.

Very truly yours,

Richard A. Reid
Richard A. Reid

RAR/keg
cc: Thomas L. Hennessey, Esq.

ROYSTON, MUELLER, MCLEAN & REID
ATTORNEYS AT LAW
SUITE 600
100 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
(301) 823-1800

CARROLL W. ROYSTON
H. ANTHONY MUELLER
R. TAYLOR MCLEAN
RICHARD A. REID
E. HARRISON STONE
MILTON R. SMITH, JR.
C.S. KUNDELHOFER, III
THOMAS F. McDONOUGH

JOHN L. ASKEW

April 16, 1981

Mr. Nicholas B. Commodari
Baltimore County Office of Planning
and Zoning
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Item No. 167 - Petition For Special Exception
and Petition For Special Hearing
Harold W. Gore, Petitioner

Dear Mr. Commodari:

Enclosed is a copy of the Deed from Mr. Sudbrink to Mr. Gore
for the proerty forming the subject of the above matter. You will
see that the property line is in the center of Hart Road. Since
the County has not extinguished the property owner's right of
reversion, it would make no difference whether or not Hart Road was
a County road or a private road. In either case, my client's
property line would be coincident with the centerline of Hart Road.
Therefore, the 70' setback required herein is taken from Hart Road.
Since the improvement as shown on the plat previously submitted is
72' from the centerline of Hart Road, no variance is required.

Accordingly, it is requested that processing of the above
matter be resumed and that the matter be scheduled for hearing
at the earliest date possible.

Thank you.

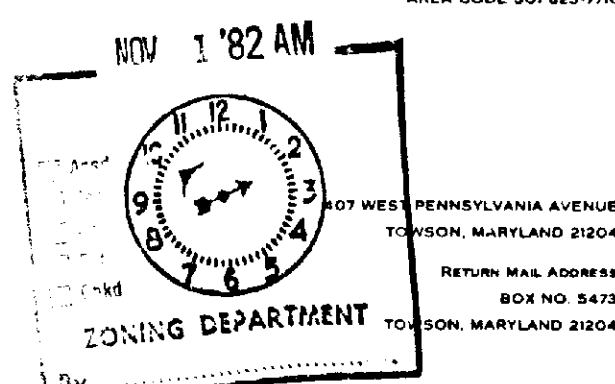
Very truly yours,

Richard A. Reid
Richard A. Reid

RAR/keg
Enclosure

LAW OFFICES
Thomas L. Hennessey, P.A.

THOMAS L. HENNESSEY
LAW OFFICES
JAMES D. O'CONNOR



October 29, 1982

Mr. William E. Hammond,
Zoning Commissioner for Baltimore County
County Office Building
Towson, Maryland 21204

Re: Harold W. Gore, Special Exception
Property 55 Hart Road
Zoning File No. 81-206-XSPH
Circuit Court Docket 14, Folio 321, File 82-M-316

Dear Mr. Hammond:

Enclosed herewith are copies of Amendment of Notice of Appeal, Petition
For Extension of Time For Transmission of Record, true test copy of Order, and
Petition in Accordance With Rule B2(e) filed today in the captioned matter.

Yours very truly,

Thomas L. Hennessey

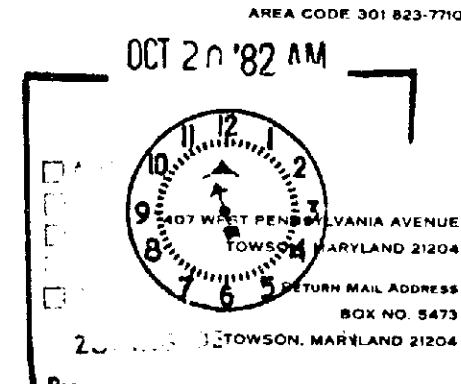
TLH:ewh
Enclosures

I HEREBY CERTIFY that on this 21 day of December, 1982,
a copy of the foregoing MOTION TO STRIKE EXTENSION OF TIME FOR
TRANSMISSION OF RECORD AND DISMISS APPEAL was mailed to Thomas
L. Hennessey, Esq., 407 West Pennsylvania Avenue, Towson,
Maryland 21202, Attorney for Protestants-Appellants; William E.
Hammond, Zoning Commissioner for Baltimore County, County
Office Building, Towson, Maryland 21204; and John W. Hessian,
Esq., People's Counsel for Baltimore County, Court House,
Towson, Maryland 21204.

Richard A. Reid

LAW OFFICES
Thomas L. Hennessey, P.A.

THOMAS L. HENNESSEY
LAW OFFICES
JAMES D. O'CONNOR



October 18, 1982

Mr. William E. Hammond
Zoning Commissioner for
Baltimore County
County Office Building
Towson, Maryland 21204

RE: County Board of Appeals Case
Harold W. Gore
81-206-XSPH

Dear Mr. Hammond:

Enclosed herewith please find a copy of the Notice of Appeal.

If you have any questions, please do not hesitate to contact
us.

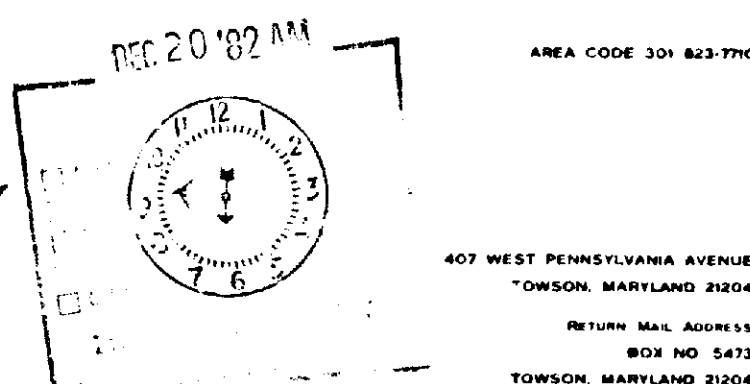
Very truly yours,

Thomas L. Hennessey

TLH/mlh
Enclosure

LAW OFFICES
Thomas L. Hennessey, P.A.

THOMAS L. HENNESSEY
JAMES D. O'CONNOR



December 15, 1982

Clerk of the Circuit Court for
Baltimore County
Court House
401 Bosley Avenue
P.O. Box 6754
Towson, Maryland 21204-0754

RE: Harold W. Gore, Special Exception
Property 55 Hart Road
Zoning File No. 81-206-XSPH
Circuit Court Docket 14, Folio 321
File 82-M-316

Mr. Clerk:

Please file the enclosed Petition for Extension of Time for Transmission
of Record, Points and Authorities and Order in the above captioned case.

Thank you for your cooperation in this matter.

Very truly yours,

Thomas L. Hennessey

TLH:prf
Enclosures
cc: John W. Hessian, Esquire
Richard A. Reid, Esquire
William E. Hammond

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. W. E. Hammond
Zoning Commissioner
Date May 25, 1981
Norman E. Gerber, Director
Office of Planning and Zoning
SUBJECT: Petition No. 81-206-XSPH Item 167

Petition for Special Exception and Special Hearing
South side of Hart Road, 3,456 feet northeast of Providence Rd.
Petitioner- Harold W. Gore

Ninth District

HEARING: Wednesday, June 3, 1981 (2:00 P.M.)

Assuming development of the property will be in conformance
with the conditions set forth in the petitioner's memorandum
prepared by Richard A. Reid and dated 3/4/81, this office would
not be opposed to the granting of this request; however, if
granted it is recommended that the order also be conditioned
to require a detailed landscaping plan, submitted to and approved
by the Division of Current Planning and Development.

Norman E. Gerber, Director
Office of Planning and Zoning

NEG:UGH:b

IN THE MATTER OF THE APPLICATION OF HAROLD W. GORE FOR A SPECIAL EXCEPTION AND A SPECIAL HEARING ON PROPERTY LOCATED ON THE SOUTH SIDE OF HART ROAD, 3,456 ft. NORTHEAST OF PROVIDENCE ROAD 9th District

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW

Misc. Docket No. 14
Folio No. 321
File No. 82-M-316

ORDER

Upon consideration of the foregoing Petition For Extension of
Time for Transmission of Record, it is this 15th day of December, 1982, by
the Circuit Court for Baltimore County,

ORDERED, that an extension of time be granted for transmission of
the record of the proceedings before the County Board of Appeals in the
above-captioned case so that the record of the proceedings is to be furnished
on or before January 18, 1983.

Edward J. Volante, Jr.
JUDGE

True Copy Test
ELMER H. HARRIS, JR., Clerk
Per S. S. Reid, Esq.

RAR/keg
12/21/82

IN THE MATTER OF THE APPLICATION OF HAROLD W. GORE FOR A SPECIAL EXCEPTION AND A SPECIAL HEARING ON PROPERTY LOCATED ON THE SOUTH SIDE OF HART ROAD, 3,456 ft. NORTHEAST OF PROVIDENCE ROAD 9th District

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW

Case No. 82-M-316
Misc. Doc. 14
Folio 321

Zoning File No. 81-206-XSPH

MOTION TO STRIKE EXTENSION OF TIME FOR TRANSMISSION OF RECORD AND DISMISS APPEAL

Petitioner-Appellee, Harold W. Gore, by Richard A. Reid,
his attorney, moves the court to strike its order granting an
extension of time within which Protestants-Appellants, Fred
Mott, Jr., et al., are required to transmit the record herein and
dismiss the appeal and as reason therefor, says:

The reason that the record was not prepared within the
thirty (30) day period required under the Rules as extended to
December 19, 1982, by the ex parte order of Judge Raine was
because the Protestants-Appellants failed to pay the reporter
the cost thereof as required by Md. Rule B.7.2. and not because
of the inability of the reporter to prepare it on time.

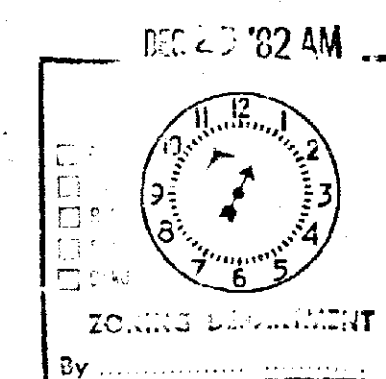
MEMORANDUM OF POINTS AND AUTHORITIES

Md. Rule B.7.2.

Md. Rule 322.

REQUEST FOR A HEARING

Petitioner-Appellee, Harold W. Gore, requests a hearing
on this motion.



Richard A. Reid
Suite 600
182 West Pennsylvania Avenue
Towson, Maryland 21204
823-1800
Attorney for Petitioner-Appellee

ROYSTON, MUELLER,
MUELLER & REID
SUITE 600
182 W. PENNA. AVE.
TOWSON, MD. 21204
823-1800

IN THE MATTER OF THE APPLICATION OF HAROLD W. GORE FOR A SPECIAL EXCEPTION AND A SPECIAL HEARING ON PROPERTY LOCATED ON THE SOUTH SIDE OF HART ROAD, 3,456 ft. NORTHEAST OF PROVIDENCE ROAD 9th District

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW

Misc. Docket No. 14
Folio No. 321
File No. 82-M-316

ORDER

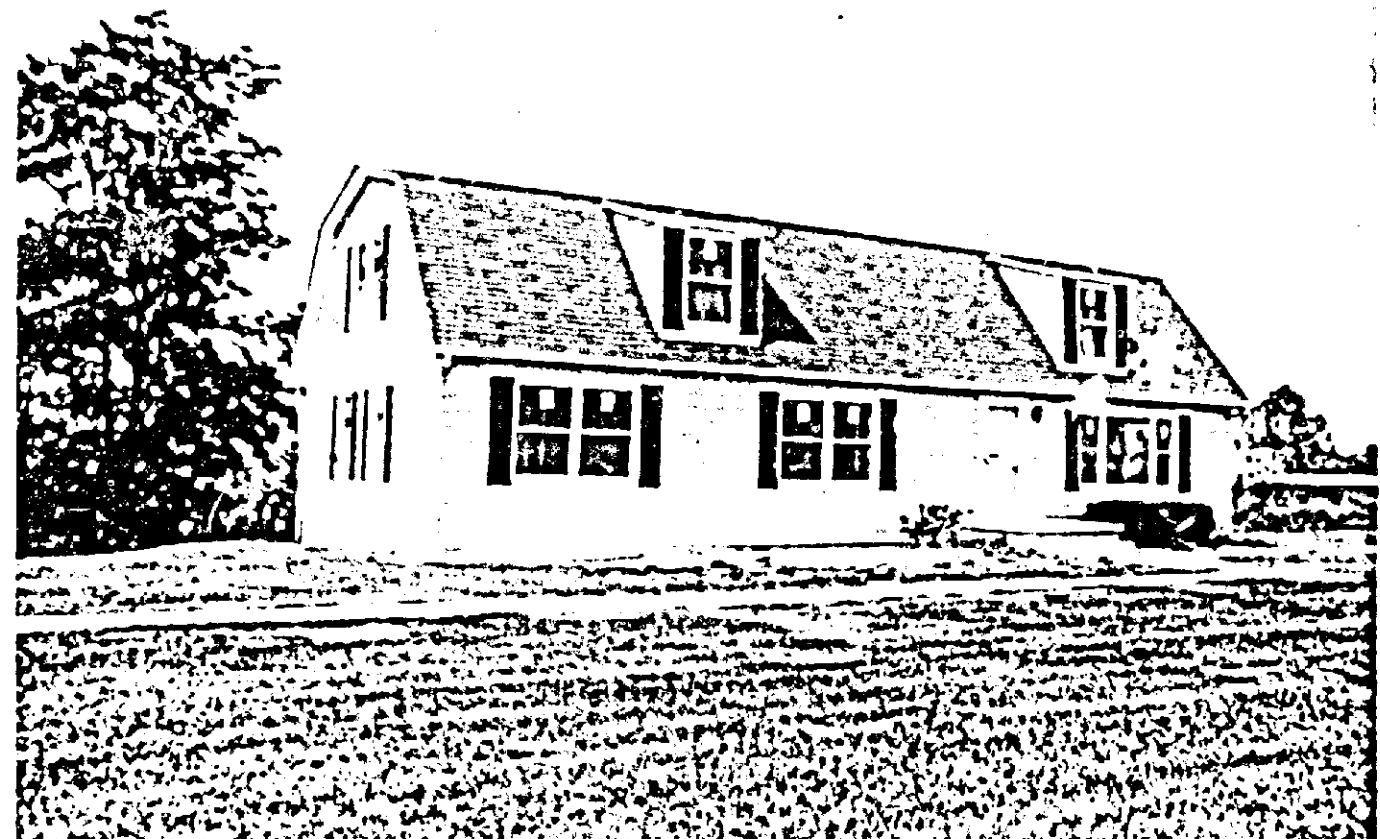
Upon consideration of the foregoing Petition For Extension of
Time for Transmission of Record, it is this 15th day of December, 1982, by
the Circuit Court for Baltimore County,

ORDERED, that an extension of time be granted for transmission of
the record of the proceedings before the County Board of Appeals in the
above-captioned case so that the record of the proceedings is to be furnished
on or before January 18, 1983.

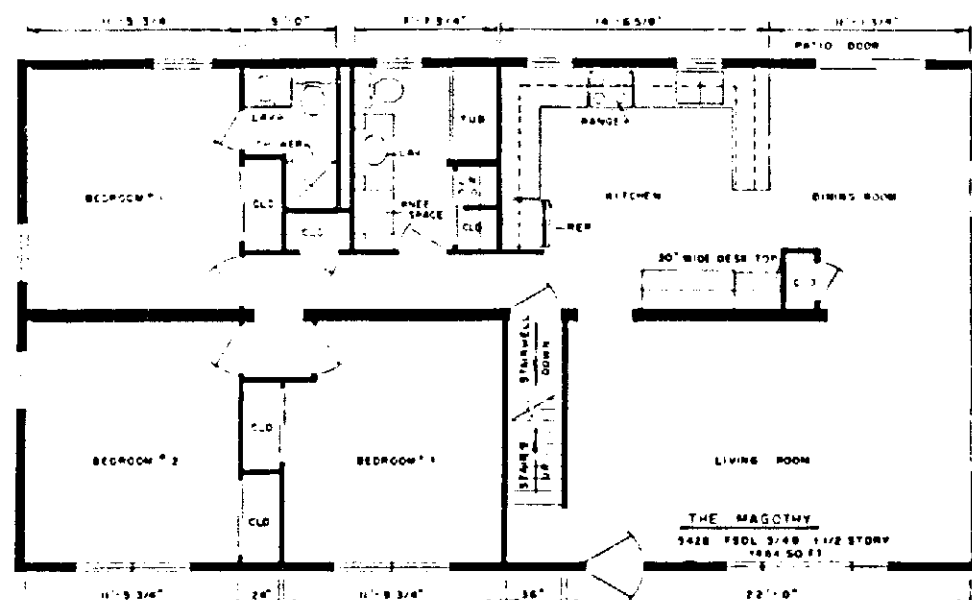
LAW OFFICES OF
THOMAS L. HENNESSEY, P.A.
TOWSON, MD. 21204

ROYSTON, MUELLER,
MUELLER & REID
SUITE 600
182 W. PENNA. AVE.
TOWSON, MD. 21204
823-1800

LAW OFFICES OF
AS L. HENNESSEY, P.A.
OWSON, MD. 21204



THE MAGOTHY



GIBALTAR INDUSTRIES, INC.
727 North Point Rd. • Baltimore, Maryland 21237
Phone: (301) 488-8282

EXHIBIT

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
PETITION FOR SPECIAL HEARING
S/S of Hart Rd., 3,456' NE of
Providence Rd., 9th District : OF BALTIMORE COUNTY

HAROLD W. GORE, Petitioner : Case No. 81-206-XSPH

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

John W. Hessian, III
John W. Hessian, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 20th day of May, 1981, a copy of the foregoing Order was mailed to Richard A. Reid, Esquire, 102 W. Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Petitioner.

John W. Hessian, III
John W. Hessian, III

Case #81-206-XSPH
Item No. 167
September 9, 1981
S/S of Hart Rd., 3,456' NE of
Providence Rd. - 9th Election District
Harold W. Gore - Petitioner

- ☒ 1. Copy of Petition
- ☒ 2. Copy of Description of Property
- ☒ 3. Copy of Certificate of Posting
- ☒ 4. Copy of Certificate of Publication
- ☒ 5. Copy of Zoning Advisory Committee Comments
- ☒ 6. Copy of Comments from the Director of Planning
- ☐ 7. Planning Board Comments and Accompanying Map
- ☒ 8. Copy of Order to Enter Appearance
- ☒ 9. Copy of Order - Zoning/Deputy Zoning Commissioner
- ☐ 10. Copy of Plat of Property - see Petitioner's exhibit #4
- ☐ 11. 200' Scale Location Plan
- ☐ 12. 1000' Scale Location Plan
- ☒ 13. Memorandum in Support of Petition
- ☐ 14. Letter(s) from Protestant(s)
- ☐ 15. Letter(s) from Petitioner(s)
- ☒ 16. Protestants' Exhibits 1 to 8 See attached
- ☒ 17. Petitioners' Exhibits 1 to 8 See attached
- ☒ 18. Letter of Appeal

Richard A. Reid, Esquire
102 W. Pennsylvania Avenue
Towson, Maryland 21204
Attorney for Petitioner

Harold W. Gore
3081 E. Commercial Blvd.
Ft. Lauderdale, Florida 33308
Petitioner

Thomas L. Hessay, Esquire
407 W. Pennsylvania Avenue
Towson, Maryland 21204
Attorney for Protestants

Charles E. Thomas, Jr.
1101 Hart Road
James T. Manning
1111 Hart Road
Lyndon J. Fink
1035 Hart Road
Wayne Skinner
1020 Hart Road
Geneva Mott
1033 Hart Road
Donald P. Skinner
1020 Hart Road
Katie McGonnigal
1022 Hart Road
Ciara Brown
1008 Hart Road
Protestant

IN THE MATTER OF THE APPLI-
CATION OF HAROLD W. GORE FOR
A SPECIAL EXCEPTION AND A
SPECIAL HEARING ON PROPERTY
LOCATED ON THE SOUTH SIDE OF
HART RD., 3,456 FEET NORTH-
EAST OF PROVIDENCE RD.
9th DISTRICT

Zoning Case No. 81-206-XSPH * 14/321/82-M-316

OPINION

This is an appeal from a decision of the County Board of Appeals of Baltimore County concerning the granting of a special exception for a radio studio on the above captioned site.

Jaco Broadcasting of Maryland, Inc. seeks to relocate its studio. In a rather lengthy opinion, the County Board of Appeals reversed the Deputy Zoning Commissioner and granted the special exception for a radio studio on the subject's site.

The case before the Board of Zoning Appeals was heard in two parts, i.e., on March 24, 1982 where 267 pages of testimony were taken and again on June 17, 1982 where an additional 224 pages of testimony were taken.

On June 17, 1983, counsel for the parties were heard in open court. All of the transcript of this testimony having been read by the Court and after reviewing this transcript and viewing the movies at the time of the hearing and reviewing the numerous exhibits in this case, the Memorandum and Reply Memorandum filed by counsel for the parties in this case, the Court cannot find that the Board was erroneous, arbitrary or capricious.

FILED DEC 10 1983

Jim Tapacati
1021 Hart Road
Madeline Cooper
1107 Hart Road
Randall Mott
1033 Hart Road
Larry Cooper
1107 Hart Road
Fred Mott, Jr.
1033 Hart Road
Richard E. McGonnigal
1022 Hart Road
Frederick C. Back
1025 Hart Road
Protestant
Protestant
Protestant
Protestant
Protestant
Protestant
Protestant

James E. Dyer
Jean Jung
Norman E. Gerber
James Hoswell
Request Notification
Request Notification
Request Notification
Request Notification

John W. Hessian, III, Esquire
People's Counsel

in the interpretation and finding of fact and the conclusion from those facts, nor in the application of the law to the facts, as it had before it evidence legally sufficient to support its decision. The Court finds that the issue presented is fairly debatable.

Therefore, the decision of the County Board of Appeals of Baltimore County is AFFIRMED.

William R. Buchanan, Sr.
William R. Buchanan, Sr.
Judge

December 16, 1983

CASE J.C. 14/321/82-M-316 AT L.W.
Harold W. Gore vs. Chas. E. Thomas, Jr., et al
RECEIVED FROM THE COUNTY BOARD OF APPEALS
CERTIFIED DOCUMENTS, EXHIBITS, AND BOARD'S
ANSWER FILED IN THE ABOVE ENTITLED CASE.

Katie Nichols
Katie Nichols
Clerk's Office
Date: 11/10/83

81-206-XSPH
PETITIONERS EXHIBITS

- 1. Gibraltar Industries, Inc. - The Magothy
- 2. WLF plan dated 5/18/76
- 3. Zoning File #76-142-X
- 3a. Subdivided plan dated 11/17/75
- 4. Plan submitted with petition 81-206-XSPH
- 5. Gerhold, Cross & Etzel description dated 5/18/76
- 6. Dollenberg, Gerhold, Cross & Etzel description dated 11/17/75
- 7. Gerhold, Cross & Etzel description dated 2/20/81
- 8. Photogrammetric map

81-206-XSPH
PROTESTANTS EXHIBITS

- 1. Petitions (5 pages)
- 2. Photograph - sign
- 3. Photograph - road & woods
- 4. Photograph - Zoning sign at Hart & Providence
- 5. Photogrammetric map marked with road widths & residences
- 6. 7 photos
- 7. Area Zoning map.
- 8. Chronological Chart

Protestants Exhibits

James Thomas Manning 1111 Hart Rd
Charles Edgar Thomas Jr. 1101 Hart Rd
Lyndon J. Fink 1035 Hart Rd
Wayne Skinner 1020 Hart Rd
Geneva Mott 1033 Hart Rd
Donald P. Skinner 1020 Hart Rd
Katie McGonnigal 1022 Hart Rd
Ciara Brown 1008 Hart Rd
Jim Tapacati 1021 Hart Rd
Madeline Cooper 1107 Hart Rd
Randall Mott 1033 Hart Rd
Larry Cooper 1107 Hart Rd
Fred Mott, Jr. 1033 Hart Rd
Richard E. McGonnigal 1022 Hart Rd
Frederick C. Back 1025 Hart Rd

20/8/83

11/10/83

IN THE MATTER OF THE APPLICATION OF HAROLD W. GORE FOR A SPECIAL EXCEPTION AND A SPECIAL HEARING ON PROPERTY LOCATED ON THE SOUTH SIDE OF HART ROAD, 3,456 ft. NORTHEAST OF PROVIDENCE ROAD 9th District

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW

Misc. Docket No. 14

Folio No. 321

Zoning File No. 81-206-XSPH

File No. 82-H-316

PETITION FOR EXTENSION OF TIME FOR TRANSMISSION OF RECORD

Now come Fred Mott, Jr., et al, Protestants-Appellants, by their attorneys, Thomas L. Hennessey, P.A. and Thomas L. Hennessey, and respectfully represent unto this Honorable Court:

1. That under the Rule of Court, transmission to the Clerk of the Court of the original or a certified copy of the record of the proceedings in this matter before the County Board of Appeals is required within thirty (30) days after receipt of the Petition required pursuant to Maryland Rule B-2, unless the time is extended by the Court.

2. That a copy of the record of proceedings in this matter was ordered by the Protestants-Appellants in a timely fashion and the Court reporter informed the Protestants-Appellants that due to the length and expansiveness of the record that she would be unable to finish and furnish the transcript and that an extension was necessary.

3. That your Protestants-Appellants filed a Petition requesting such an extension and on October 29, 1982 the Honorable John E. Raine, Jr. signed an Order extending the time for transmission of the record of the proceedings before the County Board of Appeals in the above captioned case so that the record of the proceedings be furnished on or before December 19, 1982.

4. That the Court reporter has informed the Protestants-Appellants that due to the length and expansiveness in the record in the case and other factors that an additional extension beyond December 19, 1982 the transmission of the record is necessary and has requested that the Protestants-Appellants seek such an extension.

WHEREFORE, the Protestants-Appellants pray that this Honorable Court sign the attached Order granting an extension of time for transmission

-1-

LAW OFFICES OF
THOMAS L. HENNESSEY, P.A.
TOWSON, MD. 21204

LAW OFFICES OF
THOMAS L. HENNESSEY, P.A.
TOWSON, MD. 21204

of the record of the proceedings before the County Board of Appeals in the above-captioned matter for a period of thirty (30) days so that the record is to be furnished on or before January 19, 1983.

THOMAS L. HENNESSEY, P.A.

By: Thomas L. Hennessey
407 West Pennsylvania Avenue
P.O. Box 5473
Towson, Maryland 21204
823-7710
Attorneys for Protestants-Appellants

POINTS AND CONTENTIONS

Maryland Rule B-7b ("Upon application of any party, including the agency, and for sufficient cause shown, the Court may direct that the record be transmitted in such shorter or longer time, not exceeding 90 days after receipt of the first copy of a Petition of Appeal, as may be ordered, except that the record need not be transmitted until after disposition of a demurrer or similar pleading.")

MAIL CERTIFICATION

I HEREBY CERTIFY, that a copy of the foregoing Petition For Extension of Time For Transmission of Record, was mailed, postage prepaid, this 15th day of December, 1982, to William E. Hammond, Zoning Commissioner for Baltimore County, County Office Building, Towson, Maryland 21204; Richard A. Reid, Esquire, Attorney for Harold W. Gore, Petitioner, Suite 600, 102 West Pennsylvania Avenue, Towson, Maryland 21204, and John W. Hessian, Esquire, People's Counsel for Baltimore County, Court House, Towson, Maryland 21204.

Thomas L. Hennessey

LAW OFFICES OF
THOMAS L. HENNESSEY, P.A.
TOWSON, MD. 21204

LAW OFFICES OF
THOMAS L. HENNESSEY, P.A.
TOWSON, MD. 21204

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY
APPELLATE COURT

APPEALS FROM THE COUNTY BOARD OF APPEALS

Re: In the matter of the application of Harold W. Gore for a special Exception and a special hearing on property located on the south side of Hart Road, 3,456 feet northeast of Providence Road 9th District. For the County Board of Appeals of Baltimore County No. 81-206-XSPH.

* * * * *

BEFORE THE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY

NOTICE OF APPEAL

MR. CLERK:

Please note an appeal on behalf of the Protestant, Harold W. Gore, from the Opinion and Order of the County Board of Appeals of Baltimore County dated September 22, 1982 in the above captioned case, a copy of said Opinion and Order being attached hereto.

THOMAS L. HENNESSEY, P.A.

By: Thomas L. Hennessey
407 West Pennsylvania Avenue
P.O. Box 5473
Towson, Maryland 21204
823-7710
Attorney for Petitioners

MAIL CERTIFICATION

I HEREBY CERTIFY that a copy of the foregoing Notice of Appeal was mailed, postage prepaid, this 15th day of October, 1982 to William T. Hackett, Chairman, Leroy B. Spurrier, and Patricia Phipps, County Board of Appeals, Baltimore County, County Courthouse, 2nd Floor, Towson, Maryland 21204; a copy to William E. Hammond, Zoning Commissioner for Baltimore County, County Office Building, Towson, Maryland 21204; a copy to Richard A. Reid, Esquire, Attorney for Petitioner, Suite 600, 102 West Pennsylvania Avenue, Towson, Maryland 21204.

Thomas L. Hennessey

TLH:wh
10/29/82
881145H

IN THE MATTER OF THE APPLICATION OF HAROLD W. GORE FOR A SPECIAL EXCEPTION AND A SPECIAL HEARING ON PROPERTY LOCATED ON THE SOUTH SIDE OF HART ROAD, 3,456 ft. NORTHEAST OF PROVIDENCE ROAD 9th District

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW

Misc. Docket No. 14

Folio No. 321

Zoning File No. 81-206-XSPH

File No. 82-H-316

AMENDMENT OF NOTICE OF APPEAL

Mr. Clerk:

Please amend the Notice of Appeal hereinbefore filed on October 19, 1982 as follows:

1. Delete the words in line one "Protestant, Harold W. Gore" and substitute therefor the words "Protestants, Fred Mott, Jr., et al."

THOMAS L. HENNESSEY, P.A.

By: Thomas L. Hennessey
407 West Pennsylvania Avenue
P.O. Box 5473
Towson, Maryland 21204
823-7710
Attorneys for Petitioners

MAIL CERTIFICATION

I HEREBY CERTIFY, that a copy of the foregoing Amendment of Notice of Appeal was mailed, postage prepaid, this 29th day of October, 1982, to William E. Hammond, Zoning Commissioner for Baltimore County, County Office Building, Towson, Maryland 21204; Richard A. Reid, Esquire, Attorney for Harold W. Gore, Petitioner, Suite 600, 102 West Pennsylvania Avenue, Towson, Maryland 21204, and John W. Hessian, Esquire, People's Counsel for Baltimore County, Court House, Towson, Maryland 21204.

Thomas L. Hennessey

LAW OFFICES OF
THOMAS L. HENNESSEY, P.A.
TOWSON, MD. 21204

IN THE MATTER OF THE APPLICATION OF HAROLD W. GORE FOR A SPECIAL EXCEPTION AND A SPECIAL HEARING ON PROPERTY LOCATED ON THE SOUTH SIDE OF HART ROAD, 3,456 ft. NORTHEAST OF PROVIDENCE ROAD 9th District

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW

Misc. Docket No. 14

Folio No. 321

Zoning File No. 81-206-XSPH

File No. 82-H-316

PETITION FOR EXTENSION OF TIME FOR TRANSMISSION OF RECORD

Now come Fred Mott, Jr., et al, Protestants-Appellants, by their attorneys, Thomas L. Hennessey, P.A. and Thomas L. Hennessey, and respectfully represent unto this Honorable Court:

1. That under the Rule of Court, transmission to the Clerk of the Court of the original or a certified copy of the record of the proceedings in this matter before the County Board of Appeals is required within thirty (30) days after receipt of the Petition required pursuant to Maryland Rule B-2.

2. That a copy of the record of the proceedings in this matter before the Board of Appeals was ordered by the Protestants-Appellants but that the reporter has informed the Protestants-Appellants that due to the length of the proceedings in this matter, the transcript to be prepared is quite lengthy and expansive and for this reason, she will be unable to finish and furnish the transcript within the 30-day period as specified by the Rules.

3. That the reporter has informed the Protestants-Appellants that an extension of thirty (30) days beyond the specified 30-day period would be sufficient to allow her to complete preparation and furnishing of the transcript and the reporter has requested that the Protestants-Appellants seek such an extension.

WHEREFORE, the Protestants-Appellants pray that this Honorable Court sign the attached Order granting an extension of time for transmission of the record of the proceedings before the County Board of Appeals in the above-

LAW OFFICES OF
THOMAS L. HENNESSEY, P.A.
TOWSON, MD. 21204

LAW OFFICES OF
THOMAS L. HENNESSEY, P.A.
TOWSON, MD. 21204

captioned matter for a period of thirty (30) days so that the record is to be furnished on or before December 19, 1982.

THOMAS L. HENNESSEY, P.A.

By: Thomas L. Hennessey
407 West Pennsylvania Avenue
P.O. Box 5473
Towson, Maryland 21204
823-7710
Attorneys for Protestants-Appellants

POINTS AND CONTENTIONS

Maryland Rule B-7b ("Upon application of any party, including the agency, and for sufficient cause shown, the Court may direct that the record be transmitted in such shorter or longer time, not exceeding 90 days after receipt of the first copy of a Petition of Appeal, as may be ordered, except that the record need not be transmitted until after disposition of a demurrer or similar pleading.")

MAIL CERTIFICATION

I HEREBY CERTIFY, that a copy of the foregoing Petition For Extension of Time For Transmission of Record, was mailed, postage prepaid, this 29th day of October, 1982, to William E. Hammond, Zoning Commissioner for Baltimore County, County Office Building, Towson, Maryland 21204; Richard A. Reid, Esquire, Attorney for Harold W. Gore, Petitioner, Suite 600, 102 West Pennsylvania Avenue, Towson, Maryland 21204, and John W. Hessian, Esquire, People's Counsel for Baltimore County, Court House, Towson, Maryland 21204.

Thomas L. Hennessey

LAW OFFICES OF
THOMAS L. HENNESSEY, P.A.
TOWSON, MD. 21204

LAW OFFICES OF
THOMAS L. HENNESSEY, P.A.
TOWSON, MD. 21204

IN THE MATTER OF THE APPLICATION OF HAROLD W. GORE FOR A SPECIAL EXCEPTION AND A SPECIAL HEARING ON PROPERTY LOCATED ON THE SOUTH SIDE OF HART ROAD, 3,456 ft. NORTHEAST OF PROVIDENCE ROAD 9th District

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW

Misc. Docket No. 14

Folio No. 321

Zoning File No. 81-206-XSPH

File No. 82-H-316

ORDER

Upon consideration of the foregoing Petition For Extension of Time for Transmission of Record, it is this 29th day of October, 1982, by the Circuit Court for Baltimore County.

ORDERED, that an extension of time be granted for transmission of the record of the proceedings before the County Board of Appeals in the above-captioned case so that the record of the proceedings is to be furnished on or before December 19, 1982.

John E. Raine, Jr.
Judge

Two Copy Test
ELMER H. RAHLIN, JR., Clerk
Per: Bruce A. Hall
Assistant Clerk

TLH:wh
881145H
10/29/82

IN THE MATTER OF THE APPLICATION OF HAROLD W. GORE FOR A SPECIAL EXCEPTION AND A SPECIAL HEARING ON PROPERTY LOCATED ON THE SOUTH SIDE OF HART ROAD, 3,456 ft. NORTHEAST OF PROVIDENCE ROAD 9th District

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW

Misc. Docket No. 14

Folio No. 321

Zoning File No. 81-206-XSPH

File No. 82-H-316

PETITION IN ACCORDANCE WITH RULE B 2(e)

Now come Fred Mott, Jr., et al, Protestants-Appellants, by their attorneys, Thomas L. Hennessey, P.A. and Thomas L. Hennessey, and for reasons Appeal from the Order of the County Board of Appeals the 22nd day of September, 1982 granting a special exception for a radio studio on the subject site, and say:

1. The Opinion and Order complained of is in regard to a special exception and the findings of the Board are against the testimony since the real relief requested is not for a radio station as provided but shows that over fifty per cent (50%) of the area in question is to be for office use.

2. The Board did not properly weight the testimony of the Protestants, one of whom particularly is known to them as an engineer and who testified to safety factors and endorsement of the community due to road width and physical features.

3. The Board did not afford the Protestant's testimony, including the motion pictures presented of a trip down Hart Road, as proper weight in its consideration of conjection and error in its construction of the law.

4. The Board erred in its failure to give proper weight to the safety feature demonstrated by the inability of fire apparatus to service the area and the insufficiency of water in the area or the fact that the length of the road is against all approved standards for dead-end roads.

5. The Board erred in its decision that the evidence demonstrated that the Petitioner met his burden as established under all of the requirements of Section 502.1 of the Zoning Code of Baltimore County and erroneously con-

LAW OFFICES OF
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TOWSON, MD. 21204

LAW OFFICES OF
THOMAS L. HENNESSEY, P.A.
TOWSON, MD. 21204

-2-

trasted the commercial use with special exception to DR 1 classification as to traffic flow.

6. The Board erred in its acceptance of the definition of the word "congestion" as applicable to Section 502.1.b.

7. The Board's finding is directly contrary to its opinion. "Testimony presented indicates this section to be a County maintained private road. Exhibits presented, however, indicate that it is really more of a country lane than a normal road being very narrow, curving and hilly."

8. And for other and further reasons as may be given at the hearing of this cause.

THOMAS L. HENNESSEY, P.A.

By
Thomas L. Hennessey
407 West Pennsylvania Avenue
P. O. Box 5473
Towson, Maryland 21204
823-7710
Attorneys for Protestants-Appellants

MAIL CERTIFICATION

I HEREBY CERTIFY, that a copy of the foregoing Petition in accordance with Rule 9-2(c), was mailed, postage prepaid, this 29th day of October, 1982, to William E. Hammond, Zoning Commissioner for Baltimore County, County Office Building, Towson, Maryland 21204; Richard A. Reid, Esquire, Attorney for Harold W. Gore, Petitioner, Suite 600, 102 West Pennsylvania Avenue, Towson, Maryland 21204; and John W. Hassien, Esquire, People's Counsel for Baltimore County, Court House, Towson, Maryland 21204.

Thomas L. Hennessey

LAW OFFICE OF
THOMAS L. HENNESSEY, P.A.
TOWSON, MD. 21204

RE: PETITIONS FOR SPECIAL EXCEPTION : BEFORE THE
AND SPECIAL HEARING : DEPUTY ZONING
S/S of Hart Rd., 3,456' NE of Providence :
Rd. - 9th Election District : COMMISSIONER
Harold W. Gore - Petitioner :
NO. 81-206-XSPH (Item No. 167) : OF
BALTIMORE COUNTY

This matter comes before the Deputy Zoning Commissioner as the result of a Petition for Special Exception for a radio studio and, additionally, a Petition for Special Hearing to amend the site plan filed in Case No. 76-142-X to expand the existing operation. The subject property is located on the south-east side of Hart Road, east of Providence Road and contains 4.39 acres, more or less. Said property is zoned D.R.1 and is presently improved with a transmitting tower and an accessory transmitter building, which exist as a result of the previously granted special exception (Case No. 76-142-X). The petitioner proposes to construct an extension to the existing building for a radio studio, thereby necessitating an amendment to the original site plan.

Testimony presented by the petitioner indicated that there would be seven full-time and two part-time employees and possibly some additional broadcasters for live shows.

Protestants appearing at the hearing predicated their opposition upon the expansion of the operation, which will compound an already difficult traffic situation. Hart Road, in both the section adjacent to Providence Road as well as the section east of Denby Road, is a narrow, winding street and has no sidewalks, curbs, or gutters. Visibility is poor in certain areas due to encroaching natural growth. In other areas, the road is only one lane wide and vehicles cannot pass side by side. Fire emergency vehicles have had difficulty traversing Hart Road in the past, and the road is used by pedestrians, bikers, horseback riders, and school buses. Protestants also cited the existence of a sign, "Warning, Danger, High Voltage Area ...", on the site.

Without reviewing the evidence further in detail but based upon the testimony presented as well as a field inspection of the subject property, it is the opinion of the Deputy Zoning Commissioner that the requirements of Section 502.1 of the Baltimore County Zoning Regulations have not been met and the special exception should not be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 16th day of July, 1981, that the herein Petition for Special Exception for a radio studio be and the same is hereby DENIED.

It is FURTHER ORDERED that, by reason of the denial of the requested special exception, the herein Petition for Special Hearing to amend the site plan filed in Case No. 76-142-X to expand the existing operation be and the same is hereby DENIED.

Jan M. H. Jung
Deputy Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING

DATE July 16, 1981

BY Mary Campbell, Clerk

ADMINISTRATIVE ASSISTANT

THE TITLE GUARANTEE COMPANY
(Individual Form)
App. II- 90394

LIBER5653 PAGE 1

This Deed, Made this 9th day of July, 1981, in the year one thousand nine hundred and eighty-one, by and between ROBERT W. SUBBRINK, party of the first part, Grantor; and HAROLD W. GORE, party of the second part, Grantee.

Witnesseth: that in consideration of the sum of Five Dollars, and other valuable considerations, the receipt whereof is hereby acknowledged, the said Grantor does hereby grant, convey, and assign unto the said Grantee, his heirs and assigns, in fee simple, all that

State in the Ninth Election District of Baltimore County in the State of Maryland, and described as follows, that is to say:

BEGINNING for the same at a point in or near the center of Hart Road and at the beginning of the fifth line of the parcel of land secondly described in a deed dated March 28, 1952 and recorded among the Land Records of Baltimore County in Liber C.L.B. No. 2658 folio 501 which was conveyed by George Gans et al to Clarence Gofgs and lines of said parcel of land the two following courses and distances viz: south 45 degrees 09 minutes east 16.50 feet to a concrete monument and south 45 degrees 09 minutes east 224.22 feet to a concrete monument now set to replace an old iron pipe heretofore set at the end of said sixth line and in the first line of the parcel of land firstly described in the aforesaid deed from Gans to Gofgs, thence binding reversely on a part heretofore set at the beginning of said firstly described parcel of land, thence binding reversely on the last and second lines of said last mentioned parcel of land, thence two following courses and distances viz: north 61 degrees 31 minutes 10 seconds east to the beginning of the parcel of land secondly described in the aforesaid deed from Gans to Gofgs, thence running with and binding on the first line of said last mentioned parcel of land north 45 degrees 09 minutes east 73.17 feet to a point in or near the center of Hart Road and thence running with and binding on the second, third and fourth lines of the parcel of land secondly described in the aforesaid deed and binding in said Hart Road, the three following courses and distances viz: south 41 degrees 35 minutes west 214.89 feet, south 37 degrees 31 minutes west 189.75 feet and south 72 degrees 55 minutes west 158.83 feet to the place of beginning.

Containing 4.39 acres of land more or less.

Being all of the first and second parcels of land which by a deed dated April 4, 1973 and recorded among the Land Records of Baltimore County in Liber E.H.K.Jr. No. 5352 folio 196 which was conveyed by LeRoy Y. Hatle, Personal Representative, to Robert W. Subbrink.

Together with the right and use thereof in common with others entitled thereto of Hart Road which leads from the hereinafter described parcel of land in a westerly direction to the Providence Road.

Subject to the existing easement drive which is located near the northernmost corner of the herein described parcel of land, which drive leads in a southeasterly direction to the Providence Road.

2013 JUL 13 5 55 PM '81

LIBER5653 PAGE 838

Together with the buildings and improvements thereupon; and the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or in anywise appertaining.

To have and to hold the said described lot(s) of ground and premises, unto and to the use of the said Grantee, his heirs and assigns, in fee simple.

And the said Grantor covenants to warrant specially the property hereby granted and conveyed, and to execute such further assurances of said land as may be requisite.

Whenever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

Witness the hand(s) and seal(s) of the said grantor(s):

WITNESS:

Robert W. Subbrink (S)

(Seal)

STATE OF FLORIDA,
County of Duval

TO WIT:

I HEREBY CERTIFY, that on this 7th day of July, 1981, before me, a Notary Public of the State of Florida, personally appeared ROBERT W. SUBBRINK, the within named Grantor

known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument, who signed the same in my presence, and acknowledged that he executed the same for the purposes therein contained.

I witness my hand and Notarial Seal.

Mary L. Davis
Notary Public

My commission expires:

NOTARY PUBLIC SEAL OF OFFICE AT LARGE
BY COMMISSION EXPIRES JULY 1, 1984
NOTARY PUBLIC SEAL OF OFFICE AT LARGE

Recorded JUL 13 1981 at 11:11 AM
Per Elmer W. Fehling, Jr. Clerk
Mail to THE TITLE GUARANTEE COMPANY
Receipt No. 2-50

LIBER5653 PAGE 835

direction from the property of Robert W. Subbrink (upon which property the building for Radio Station WLIF is erected) to the Hart Road.

MEMORANDUM IN SUPPORT OF
PETITION FOR SPECIAL EXCEPTION
FOR RADIO STUDIO AND PETITION FOR
SPECIAL HEARING, CONCERNING AMENDMENT
TO CASE NO. 76-142X

Jaco Broadcasting of Maryland, Inc. and Jaco Broadcasting of Toledo, Inc. (hereinafter referred to collectively as "Jaco") operate and broadcast through station WTOW in Towson. The studio is currently located in the Dulany Valley Shopping Center and the transmitter and tower are located on the subject property on Hart Road, which Jaco leases from Harold W. Gore. 1/ Jaco now desires to move its studio from the Dulany Valley Shopping Center to the subject site. The studio will be housed in the residential structure shown on Exhibit 1 attached hereto. The residential structure will abut the existing transmitter to which it will be connected by interior doors, be located in front of the transmitter and screen the view of the transmitter from Hart Road.

It is anticipated that seven full time people will be employed at the studio. There is ample parking provided to accommodate these employees. It is not anticipated that the studio will generate anything but rare and incidental business traffic so that, in reality, the only addition to traffic on Hart Road will be by the employees going to and from work and will be staggered since such employees work different hours between 6:00 a.m. and 8:30 p.m. Accordingly, the granting of the special exception will not tend to create a traffic hazard or excessive traffic congestion.

The property upon which the existing transmitter and tower are located is adjacent to the property upon which is located

1/ The transmitter and tower were the subject of Zoning Case No. 76-142X.

ROYSTON, MUELLER,
MCLEAN & REID
SUITE 600
102 W. PENNA. AVE.
TOWSON, MD. 21204
823-1800

the transmitter, tower and studio of WLIF. The use sought herein is then in harmony with similar uses in the neighborhood and should be granted.

Richard A. Reid
Suite 600
102 W. Pennsylvania Avenue
Towson, Maryland 21204
823-1800
Attorney for Petitioner

ROYSTON, MUELLER,
MCLEAN & REID
SUITE 600
102 W. PENNA. AVE.
TOWSON, MD. 21204
823-1800

CHAMBERS OF
WILLIAM R. BUCHANAN, SR.
JUDGE

The Circuit Court for Baltimore County
COUNTY COURTS BUILDING
TOWSON, MARYLAND 21204

December 16, 1983

Thomas L. Hennessey, Esquire
407 W. Pennsylvania Avenue
P. O. Box 5473
Towson, Maryland 21204

Richard A. Reid, Esquire
Suite 600
102 W. Pennsylvania Avenue
Towson, Maryland 21204

Re: In the Matter of the Application of
Harold W. Gore for a Special Exception
and a Special Hearing on Property
Located on the South Side of Hart Rd.,
3,456 feet Northeast of Providence Rd.,
9th District
Zoning Case No. 81-206-XSPH

In the Circuit Court for Baltimore County
At Law #14/321/82-M-316

Dear Messrs. Hennessey and Reid:

Enclosed please find my Opinion in the above captioned case.

Very truly yours,

William R. Buchanan, Sr.

WRB, Sr.:bas

Enclosure

the radius created by the guy wire anchors. From that Order the Protestants appeal.

The appeal is based on the failure of the administrative hearing tribunal to recognize the facts through the evidence and exhibits presented and apply them to existing parameters set out in the Baltimore County Zoning Regulations as follows:

502.1 - Before any Special Exception, the Zoning Commissioner and the Board of Zoning Appeals, upon appeal, shall be governed by the following principles and conditions. (B.C.Z.R., 1955.)

a. Be detrimental to the health, safety, or general welfare of the locality involved; (B.C.Z.R., 1955.)

b. Tend to create congestion in roads, streets or alleys therein; (B.C.Z.R., 1955.)

c. Create a potential hazard from fire, panic or other dangers; (B.C.Z.R., 1955.)

d. Tend to overcrowd land and cause undue concentration of population; (B.C.Z.R., 1955.)

e. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences, or improvements; (B.C.Z.R., 1955.)

f. Interfere with adequate light and air. (B.C.Z.R., 1955.)

The appeal is also based on the fact that the special exception as applied for is actually for an office use which is prohibited in the zone where a studio as applied for (only part of the use contemplated) would be permitted, the property being in a D R zone which permits by special exception Use No. 15 Radio Studios and special exception Use No. 20 wireless transmitting and receiving stations.

It is well to note that any definition of studio does not include office use.

The definition of studios as requested in the Application as defined in Webster's New Collegiate Dictionary, 1980, is as follows:

studio n, pl -dios (lit., stūdyō, fr. L studiū) 1 a: the working place of a painter, sculptor, or photographer b: a place for the study of an art (as dancing, singing or acting) 2: a place where motion pictures are made 3: a place maintained and equipped for the transmission of radio or television programs

Superseded by County Board of Appeals --see note 1, Section 401.

CIRCUIT COURT FOR BALTIMORE COUNTY

DOCKET 14 PAGE 321 CASE NO. 82-M-316 CATEGORY APPEAL

ADVANCE COSTS
Plaintiff's Atty 5.00
Clerk 60.00

Sheriff

Paid 10/15/83 Per L.H.

Receipt No. 1015-47

ADDITIONAL COSTS

Defendant's Atty

Clerk

Sheriff

IN THE MATTER OF THE APPLICATION OF
HAROLD W. GORE FOR A SPECIAL EXCEPTION AND
A SPECIAL HEARING ON PROPERTY LOCATED ON THE
SOUTH SIDE OF HART RD., 3,456 FEET NORTH-
EAST OF PROVIDENCE RD., 9TH DISTRICT.
FOR THE COUNTY BOARD OF APPEALS OF BALTIMORE
COUNTY NO. 81-206-XSPH

PETITIONER
FRED MOTT, JR.
Protestant - Appellant

Richard A. Reid
Sta. 600
102 W. Penna. Ave. (04)
823-1800

Thomas L. Hennessey
407 W. Penna. Ave.
P.O. Box 5473 (04) 823-7710

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

(1) Oct. 19, 1982 - Appellant's Order for Appeal from the Opinion and Order of the County Board of Appeals of Baltimore County fd.

(2) Oct. 21, 1982 - Certificate of Notice fd.

(3) Oct. 29, 1982 - Appellant's Amendment of Notice of Appeal fd.

(4) Oct. 29, 1982 - Protestants-Appellants' Petition for Extension of Time for Transmission of Record, Points & Authorities & Order of Court granting same fd. (JER)

(5) Oct. 29, 1982 - Petition in Accordance with Rule B 2(a) fd.

(6) Nov. 3, 1982 - App. of Richard A. Reid for Petitioner and Same Day Motion to Dismiss Appeal and Request for Hearing fd.

(7) Dec. 15, 1982 - Protestants-Appellants' Petition for Extension of Time for Transmission of Record, Points & Authorities & Order of Court granting same fd. (EAD)

(8) Dec. 21, 1982 - Petitioner's (Harold W. Gore) Motion to Strike Extension of time for transmission of Record and Dismiss Appeal and Request for Hearing fd.

JAN 13 1983

(9) Jan. 18, 1983 - Transcript of Record fd.

(10) Jan. 18, 1983 - Notice of Filing of Record fd.

(11) Jan. 21, 1983 - Appellants' (Fred Mott, Jr.) Answer to Motion to Dismiss Appeal fd.

Jan. 24, 1983 Hon. Edward A. Delaters, Jr. Hearing had. Ruling held sub-curia.

(OVER)

DOCKET 14 PAGE 321 CASE NO. 82-M-316

I
THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY ERRED BY FAILING TO RECOGNIZE
THAT THE USE REQUESTED WAS FOR OFFICES WITH A LESS THAN 501 USE /S RADIO STUDIO

WHICH IS PROHIBITED IN A D R 1 ZONE

Second day testimony, page 219 and 220.

In the presentation of the matter, Mr. Jerome Lamproch testified that the use was to be a combination of offices and studio the same as is currently used on Dulany Valley Road (their present location) but that the office space would be increased.

First day testimony, page 27, 28, 29, 30.

Mr. Lamproch also used to show the size of the office and studio structure Exhibit 1 (page 29) the Magothy by Gibraltar Industries and showed the commercial aspect of the venture, page 30 and 31, and stated that actually no real study had been done as to how the building would be used in connection with the existing structure, page 32, line 4 to line 10, page 53 line 7 through 12.

The testimony is clear and uncontradicted that 50% or over of space use is required for office and that studio does not contemplate office use.

The main reason for zoning is the orderly use of land for the general public good not to permit subterfuge for the rights of the view. There is no zoning of the land in question here that would permit office use and the Board failed to perform its mandated function by rejecting an explained office use in a residential D R 1 zone being fully informed that the office use by size and function was the main reason for the application since the offices are currently cramped. "Well, we are very cramped where we are. The individual offices will be larger." Page 28, line 11 through 14.

The witness Erdman, who was called on by the radio station, stated he had been to the current offices on Dulany Valley Road. He related that it is mostly office and said "I feel that the additional traffic that would result from the development of this site with a studio on it is a very small amount of traffic in the context of the current use of the road..." First day, page 130, line 20 and 21, page 131, line 1 through 4, but he later characterized the project by stating "I apparently misstated it when I said studio. I was talk-

CASE NO. 82-M-316 (12) Jan. 31, 1983 - Protestants' Answer to Motion to Strike Extension of Time for Transmission of Record & Dismiss Appeal fd.

(13) Jan. 31, 1983 - Petitioner's Supplemental Statement of Points & Authorities fd.

(14) Jan. 31, 1983 - Correspondence to Judge Delaters fd.

(15) Jan. 31, 1983 - Order of Court that Motion for Extension of Time Denied (EAD) order signed 1/23/83

(16) Feb. 18, 1983 - Petitioner (Harold W. Gore) Memorandum of Law fd.

(17) Feb. 22, 1983 - Petitioner-Appellee's (Harold W. Gore) Answer to Petition for Appeal fd.

(18) April 26, 1983 - Appellee's Memorandum fd.

(19) May 9, 1983 - Appellant's Reply Memorandum fd.

June 17, 1983 Hon. William R. Buchanan, Sr. Hearing had. Opinion Held Sub-curia.

(20) Dec. 19, 1983 Opinion & Order of Court that the decision of the County Board of Appeals of Baltimore County is Affirmed i.. (WRB)

IN THE MATTER OF THE APPLICATION OF
HAROLD W. GORE
FOR A SPECIAL EXCEPTION
AND A SPECIAL HEARING
ON PROPERTY LOCATED ON THE
SOUTH SIDE OF HART ROAD, 3,456 FT.
NORTHEAST OF PROVIDENCE ROAD
9TH DISTRICT

Zoning File No. 81-206-XSPH
File No. 82-M-316

MEMORANDUM OF LAW

The Petitioner, Harold W. Gore, had filed with the Zoning Commissioner of Baltimore County a Petition For Special Exception For A Radio Studio and a Petition For Special Hearing concerning an amendment to Case No. 76-142X for property on the South side of Hart Road, 3,456 feet East of Providence Road in the Ninth Election District of Baltimore County, it being the intention of Jaco Broadcasting of Maryland, Inc. and Jaco Broadcasting of Toledo, Inc. who were operating and broadcasting through station WJOW in Towson, Maryland to remove its studio from Dulany Valley Shopping Center to the location of its transmitter and tower as located on Hart Road on property leased from Harold W. Gore. The transmitter and tower were subject to Zoning Case No. 76-142X and an amendment is required from the site plan filed in Case No. 76-142X to expand the existing operation granted under that Special Exception. The matter was heard before the Deputy Zoning Commissioner of Baltimore County who, on the 16th day of July, 1981, denied the Petition for the Special Exception for radio studio and by reason of that denial, denied the Petition For Special Hearing to amend the site plan in Case No. 76-142X. From that denial by the Deputy Zoning Commissioner, Jean M. H. Jung, in Case No. 81-206-XSPH the matter was appealed to the County Board of Appeals and same was presented for testimony on two days, being March 24 and June 17, 1982. From that hearing the Board of Appeals passed its Order on the 22nd day of September, 1982 reversing the Deputy Zoning Commissioner of Baltimore County and approved the Special Exception for radio studio and further ordered that an amended site plan be submitted showing the entrance, parking area and radio studio building to be located safely outside

LAW OFFICES OF
THOMAS L. HENNESSEY, P.A.
TOWSON, MD 21204

ing in terms of the facility that is proposed for the site. It includes the office." First day, page 132, lines 15 through 17. This was in reply to a question concerning the studio which he described as a very minimal part of what he observed. Mr. Erdman described the fact that the proposed use was mostly office in his testimony on first day, page 131, line 15 through 21 and page 132 lines 1 through 21.

II

THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY ERRED AND WAS ARBITRARY AND CAPRICIOUS IN ITS FINDINGS THAT THE HURDEN UNDER SECTION 502.1 SECTION A FROM TESTIMONY AND EXHIBITS HAD BEEN MET.

The County Board stated that the building proposed is an attractive structure and the use proposed is not offensive, not producing any significant noise, dust or odors but the section states:

"Before any special exception shall be granted, it must appear that the use for which the special exception is requested will not (a) be detrimental to the health, safety or general welfare of the locality involved."

The Board, in arriving at its decision, recognized the nature of the area when it said:

"Testimony presented indicates this Section to be a County maintained private road. Exhibits presented, however, indicate that it is really more of a country lane than a normal road, being very narrow, curving and hilly."

Somehow they ignored all of the testimony and exhibits on safety that show their decision to be in error.

The Board saw movies of a ride down Hart Road by Ann Philip Edward Cvach which were a sound film which showed all of the safety hazards of going to and from the site. Exhibits 5 and 6, first day page 266.

Mr. Cvach also testified to the safety hazard and that any increase of use, particularly commercial, would create a traffic hazard as well as existing hazard for fire trucks to pass into the area. First day, page 200, 201, 202.

Mrs. Houck explained to the Board of how the special exception would be detrimental to safety, first day, page 220, line 11 through 19, and spoke of the high voltage sign on the property in question, first day, page 222 line 16

through 21, page 223, line 1 through 5, and of the absence of sidewalks, page 226, line 6 through 11.

James T. Manning testified as to safety and the impossibility to pass cars going in opposite directions without backing up. See pages 229, 230, first day, including cars and police cars and fire engines. Mr. Manning also spoke of personal experience and the road contour including obstructed view, pages 234, 235, 236, 237. Mr. Manning also noted the office use as affecting safety, first day, page 239, line 3 through 16.

Donald Paul Skinner showed the problem of safety in regard to the insufficient water in the area and past fire and threat of reduced water by the use of special exception. Pages 240 to 242.

John Hissey, a resident, testified as to safety.

The radio station's expert, Mr. Erdman, spoke of the road and pointed out the safety problems in using the road, first day, page 128, line 11 to 21, page 129, 1 through 21, page 130, line 1 through 9.

Fred E. Mott showed through testimony and Exhibits the safety hazard of traveling Hart Road. There was shown to the Board Protestant's Exhibit 16, A through J, 17 and 18 A through G, as well as Exhibit 2. He showed the road to be unsafe due to its width and particularly thirteen (13) feet wide at one point. Second day, page 122 line 7 through 16, and twelve (12) feet at another, page 124, line 7 through 9.

Other witnesses testified as to the safety problem but their testimony was ignored. Catherine McConigal, page 256, first day. Lyndon Fink, 2nd day, page 62.

The Board was clearly shown the safety problem with the increase to the area by the special exception and the density uses connected with it.

The Board did not actually treat with the safety problem but chose to confuse it with traffic and congestion under another parameter.

III

THE COUNTY BOARD OF APPEALS ERRED AND WAS ARBITRARY AND CAPRICIOUS IN ITS FINDING THAT THE ONLY REAL REQUIREMENT IN QUESTION SECTION 502.16 "TEND TO CREATE CONGESTION IN ROADS, STREETS OR ALLEYS THEREIN" AND THAT THAT REQUIREMENT HAD BEEN MET.

LAW OFFICES OF
THOMAS L. HENNESSEY, P.A.
TOWSON, MD 21204

LAW OFFICES OF
THOMAS L. HENNESSEY, P.A.
TOWSON, MD 21204

LAW OFFICES
Thomas L. Hennessey, P.A.

THOMAS L. HENNESSEY
JAMES D. O'CONNOR

407 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
RETURN MAIL ADDRESS
BOX NO. 5473
TOWSON, MARYLAND 21204

October 18, 1982

Mr. William T. Hackett, Chairman
County Board of Appeals
Baltimore County
County Courthouse
2nd Floor
Towson, Maryland 21204

Dear Mr. Hackett:

Enclosed please find a copy of the Notice of Appeal.

If you have any questions, please do not hesitate to contact
us.

Very truly yours,

Thomas L. Hennessey
Thomas L. Hennessey

TLH/mh
Enclosure

LAW OFFICES
Thomas L. Hennessey, P.A.

THOMAS L. HENNESSEY
JAMES D. O'CONNOR

407 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
RETURN MAIL ADDRESS
BOX NO. 5473
TOWSON, MARYLAND 21204

October 29, 1982

Richard A. Reid, Esquire
102 West Pennsylvania Avenue
Towson, Maryland 21204

Re: Harold W. Gore, Special Exception
Property 88 Hart Road
Zoning File No. 81-206-XSPH
Circuit Court Docket 14, folio 321, File 82-M-316

Dear Mr. Reid:

Enclosed herewith are copies of Amendment of Notice of Appeal, Petition
For Extension of Time For Transmission of Record, true test copy of Order, and
Petition in Accordance With Rule B2(e) filed today in the captioned matter.

Yours very truly,

Thomas L. Hennessey
Thomas L. Hennessey

TLH/mh
Enclosures

RECEIVED
BALTIMORE COUNTY
Nov 1 2 07 PM '82
COUNTY CLERK
BY:

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY
APPELLATE COURT

APPEALS FROM THE COUNTY BOARD OF APPEALS

RE: In the matter of the application
of Harold W. Gore for a special
Exception and a special hearing
on property located on the south
side of Hart Road, 3,456 feet
northeast of Providence Road
9th District. For the County
Board of Appeals of Baltimore
County No. 81-206-XSPH.

BEFORE THE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
11/30/82-M-316

NOTICE OF APPEAL

MR. CLERK:

Please note an appeal on behalf of the Protestant, Harold W. Gore,
from the Opinion and Order of the County Board of Appeals of Baltimore County
dated September 22, 1982 in the above captioned case, a copy of said Opinion
and Order being attached hereto.

THOMAS L. HENNESSEY, P.A.

By: Thomas L. Hennessey
407 West Pennsylvania Avenue
P.O. Box 5473
Towson, Maryland 21204
823-7710
Attorney for Petitioners

MAIL CERTIFICATION

I HEREBY CERTIFY that a copy of the foregoing Notice of Appeal was
mailed, postage prepaid, this 19th day of October, 1982 to William T. Hackett,
Chairman, Leroy B. Spurrier, and Patricia Phipps, County Board of Appeals,
Baltimore County, County Courthouse, 2nd Floor, Towson, Maryland 21204; a copy
to William E. Hammond, Zoning Commissioner for Baltimore County, County Office
Building, Towson, Maryland 21204; a copy to Richard A. Reid, Esquire, Attorney
for Petitioner, Suite 600, 102 West Pennsylvania Avenue, Towson, Maryland 21204.

Thomas L. Hennessey

TLH/mh
10/29/82
881145H

IN THE MATTER OF THE APPLICATION OF
HAROLD W. GORE
FOR A SPECIAL EXCEPTION
AND A SPECIAL HEARING
ON PROPERTY LOCATED ON THE
SOUTH SIDE OF HART ROAD, 3,456 ft.
NORTHEAST OF PROVIDENCE ROAD
9th District

Zoning File No. 81-206-XSPH

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

AT LAW

Misc. Docket No. 14

Folio No. 321

File No. 82-M-316

AMENDMENT OF NOTICE OF APPEAL

Mr. Clerk:

Please amend the Notice of Appeal hereinbefore filed on October 19,
1982 as follows:

1. Delete the words in line one "Protestant, Harold W. Gore" and
substitute therefor the words "Protestants, Fred Mott, Jr., et al."

THOMAS L. HENNESSEY, P.A.

By: Thomas L. Hennessey
407 West Pennsylvania Avenue
P.O. Box 5473
Towson, Maryland 21204
823-7710
Attorneys for Petitioners

MAIL CERTIFICATION

I HEREBY CERTIFY, that a copy of the foregoing Amendment of Notice of
Appeal was mailed, postage prepaid, this 29th day of October, 1982, to William
E. Hammond, Zoning Commissioner for Baltimore County, County Office Building,
Towson, Maryland 21204; Richard A. Reid, Esquire, Attorney for Harold W. Gore,
Petitioner, Suite 600, 102 West Pennsylvania Avenue, Towson, Maryland 21204,
and John W. Hessian, Esquire, People's Counsel for Baltimore County, Court
House, Towson, Maryland 21204.

Thomas L. Hennessey

LAW OFFICES OF
THOMAS L. HENNESSEY, P.A.
TOWSON, MD. 21204

IN THE MATTER OF THE APPLICATION OF
HAROLD W. GORE
FOR A SPECIAL EXCEPTION
AND A SPECIAL HEARING
ON PROPERTY LOCATED ON THE
SOUTH SIDE OF HART ROAD, 3,456 ft.
NORTHEAST OF PROVIDENCE ROAD
9th District

Zoning File No. 81-206-XSPH
Charles E. Thomas, Jr., et al,
Protestants-Appellants

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
AT LAW

Misc. Doc. No. 14
Folio No. 321
File No. 82-M-316

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule 9-2(d) of the Maryland Rules of Procedure
William T. Hackett, Leroy B. Spurrier and Patricia Phipps, constituting the County Board
of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the
representative of every party to the proceeding before it; namely, Richard A. Reid, Esq.,
102 W. Pennsylvania Ave., Towson, Md. 21204, Counsel for Petitioner; Harold W. Gore,
3061 E. Commercial Blvd., Ft. Lauderdale, Florida 33308, Petitioner; Thomas L. Hennessey
Esq., 407 W. Pennsylvania Ave., Towson, Md. 21204, Counsel for Protestants; Charles E.
Thomas, Jr., 221 Stoney Run Lane, Balto., Md. 21210, James T. Manning, 1111 Hart Rd.,
Towson, Md. 21204, Lyndon J. Fink, 1035 Hart Rd., Towson, Md. 21204, Wayne Skinner,
1020 Hart Rd., Towson, Md. 21204, Geneva Mott, 1033 Hart Rd., Towson, Md. 21204,
Donald Skinner, 1020 Hart Rd., Towson, Md. 21204, Katie McGonnigal, 1022 Hart Rd.,
Towson, Md. 21204, Ciaro Brown, 1008 Hart Rd., Towson, Md. 21204, Frank Tapscott,
1021 Hart Rd., Towson, Md. 21204, Madeline Cooper, 1107 Hart Rd., Towson, Md. 21204,
Randall Mott, 1033 Hart Rd., Towson, Md. 21204, Larry Cooper, 1107 Hart Rd., Towson,
Md. 21204, Fred Mott, Jr., 1033 Hart Rd., Towson, Md. 21204, Richard McGonnigal,
1022 Hart Rd., Towson, Md. 21204, Frederick Back, 1025 Hart Rd., Towson, Md. 21204,
Protestants; and John W. Hessian, Esq., Court House, Towson, Md. 21204, People's Counsel
for Baltimore County, a copy of which Notice is attached hereto and prayed that it may be
made a part thereof.

June Holmen, County Board of Appeals
Court House, Towson, Md. 21204

IN THE MATTER OF THE APPLICATION OF
HAROLD W. GORE
FOR A SPECIAL EXCEPTION
AND A SPECIAL HEARING
ON PROPERTY LOCATED ON THE
SOUTH SIDE OF HART ROAD, 3,456 ft.
NORTHEAST OF PROVIDENCE ROAD
9th District

Zoning File No. 81-206-XSPH

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

AT LAW

Misc. Docket No. 14

Folio No. 321

File No. 82-M-316

PETITION FOR EXTENSION OF TIME FOR TRANSMISSION OF RECORD

Now come Fred Mott, Jr., et al, Protestants-Appellants, by their
attorneys, Thomas L. Hennessey, P.A. and Thomas L. Hennessey, and respectfully
represent unto this Honorable Court:

1. That under the Rule of Court, transmission to the Clerk of the
Court of the original or a certified copy of the record of the proceedings in
this matter before the County Board of Appeals is required within thirty (30)
days after receipt of the Petition required pursuant to Maryland Rule B-2.
2. That a copy of the record of the proceedings in this matter before
the Board of Appeals was ordered by the Protestants-Appellants but that the
reporter has informed the Protestants-Appellants that due to the length of the
proceedings in this matter, the transcript to be prepared is quite lengthy and
expensive and for this reason, she will be unable to finish and furnish the
transcript within the 30-day period as specified by the Rules.
3. That the reporter has informed the Protestants-Appellants that an
extension of thirty (30) days beyond the specified 30-day period would be
sufficient to allow her to complete preparation and furnishing of the tran-
script and the reporter has requested that the Protestants-Appellants seek such
an extension.

WHEREFORE, the Protestants-Appellants pray that this Honorable Court
sign the attached Order granting an extension of time for transmission of the
record of the proceedings before the County Board of Appeals in the above-

LAW OFFICES OF
THOMAS L. HENNESSEY, P.A.
TOWSON, MD. 21204

Harold W. Gore
Case No. 81-206-XSPH

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has
been mailed to Richard A. Reid, Esq., 102 W. Pennsylvania Ave., Towson, Md. 21204
Counsel for Petitioner; Harold W. Gore, 3081 E. Commercial Blvd., Ft. Lauderdale, Fla.
33308, Petitioner; Thomas L. Hennessey, Esq., 407 W. Penna. Ave., Towson, Md. 21204,
Counsel for Protestants; Charles E. Thomas, Jr. 221 Stoney Run Ln., Balto., Md. 21210,
James T. Manning, 1111 Hart Rd., Towson, Md. 21204, Lyndon J. Fink, 1035 Hart Rd.,
Towson, Md. 21204, Wayne Skinner, 1020 Hart Rd., Towson, Md. 21204, Geneva Mott,
1033 Hart Rd., Towson, Md. 21204, Donald Skinner, 1020 Hart Rd., Towson, Md. 21204,
Katie McGonnigal, 1022 Hart Rd., Towson, Md. 21204, Ciaro Brown, 1008 Hart Rd.,
Towson, Md. 21204, Frank Tapscott, 1021 Hart Rd., Towson, Md. 21204, Madeline Cooper,
1107 Hart Rd., Towson, Md. 21204, Randall Mott, 1033 Hart Rd., Towson, Md. 21204,
Larry Cooper, 1107 Hart Rd., Towson, Md. 21204, Fred Mott, Jr., 1033 Hart Rd., Towson,
Md. 21204, Richard McGonnigal, 1022 Hart Rd., Towson, Md. 21204, Frederick Back,
1025 Hart Rd., Towson, Md. 21204, Protestants; and John W. Hessian, Esq., Court House,
Towson, Md. 21204, People's Counsel for Balto. County, on this 21st day of October,
1982.

June Holmen
County Board of Appeals of Baltimore County

captioned matter for a period of thirty (30) days so that the record is to be
furnished on or before December 19, 1982.

THOMAS L. HENNESSEY, P.A.

By: Thomas L. Hennessey
407 West Pennsylvania Avenue
P.O. Box 5473
Towson, Maryland 21204
823-7710
Attorneys for Protestants-Appellants

POINTS AND AUTHORITIES

Maryland Rule B-7b ("Upon application of any party, including the
agency, and for sufficient cause shown, the Court may direct that the record be
transmitted in such shorter or longer time, not exceeding 90 days after receipt
of the first copy of a Petition of Appeal, as may be ordered, except that the
record need not be transmitted until after disposition of a demurrer or similar
pleading.")

MAIL CERTIFICATION

I HEREBY CERTIFY, that a copy of the foregoing Petition For Extension
of Time For Transmission of Record, was mailed, postage prepaid, this 29th day
of October, 1982, to William E. Hammond, Zoning Commissioner for Baltimore
County, County Office Building, Towson, Maryland 21204; Richard A. Reid,
Esquire, Attorney for Harold W. Gore, Petitioner, Suite 600, 102 West
Pennsylvania Avenue, Towson, Maryland 21204, and John W. Hessian, Esquire,
People's Counsel for Baltimore County, Court House, Towson, Maryland 21204.

Thomas L. Hennessey

LAW OFFICES OF
THOMAS L. HENNESSEY, P.A.
TOWSON, MD. 21204

IN THE MATTER OF THE APPLICATION OF HAROLD W. GORE FOR A SPECIAL EXCEPTION AND A SPECIAL HEARING ON PROPERTY LOCATED ON THE SOUTH SIDE OF HART ROAD, 3,456 ft. NORTHEAST OF PROVIDENCE ROAD 9th District

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW Misc. Docket No. 14 Folio No. 321

Zoning File No. 81-206-XSPH File No. 82-M-316

ORDER

Upon consideration of the foregoing Petition For Extension of Time for Transmission of Record, it is this 24th day of October, 1982, by the Circuit Court for Baltimore County,

ORDERED, that an extension of time be granted for transmission of the record of the proceedings before the County Board of Appeals in the above-captioned case so that the record of the proceedings is to be furnished on or before December 19, 1982.

John E. Raine Jr.
Judge

True Copy Test
ELMER H. KAHLIN, JR., Clerk
Per *Bruce A. Hall*
Assistant Clerk

TLH/kan
881145H
10/29/82

IN THE MATTER OF THE APPLICATION OF HAROLD W. GORE FOR A SPECIAL EXCEPTION AND A SPECIAL HEARING ON PROPERTY LOCATED ON THE SOUTH SIDE OF HART ROAD, 3,456 ft. NORTHEAST OF PROVIDENCE ROAD 9th District

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW Misc. Docket No. 14 Folio No. 321

Zoning File No. 81-206-XSPH File No. 82-M-316

PETITION IN ACCORDANCE WITH RULE 8-2(e)

Now come Fred Mott, Jr., et al, Protestants-Appellants, by their attorneys, Thomas L. Hennessey, P.A. and Thomas L. Hennessey, and for reasons Appeal from the Order of the County Board of Appeals the 22nd day of September, 1982 granting a special exception for a radio studio on the subject site, and say:

1. The Opinion and Order complained of is in regard to a special exception and the findings of the Board are against the testimony since the real relief requested is not for a radio station as provided but shows that over fifty per cent (50%) of the area in question is to be for office use.
2. The Board did not properly weight the testimony of the Protestants, one of whom particularly is known to them as an engineer and who testified to safety factors and endorsement of the community due to road width and physical features.
3. The Board did not afford the Protestants' testimony, including the motion pictures presented of a trip down Hart Road, as proper weight in its consideration of congestion and erred in its construction of the law.
4. The Board erred in its failure to give proper weight to the safety feature demonstrated by the inability of fire apparatus to service the area and the insufficiency of water in the area or the fact that the length of the road is against all approved standards for dead-end roads.
5. The Board erred in its decision that the evidence demonstrated that the Petitioner met his burden as established under all of the requirements of Section 502.1 of the Zoning Code of Baltimore County and erroneously con-

trasted the commercial use with special exception to DR 1 classification as to traffic flow.

6. The Board erred in its acceptance of the definition of the word "congestion" as applicable to Section 502.1.b.

7. The Board's finding is directly contrary to its Opinion. "Testimony presented indicates this section to be a County maintained private road. Exhibits presented, however, indicate that it is really more of a country lane than a normal road being very narrow, curving and hilly."

8. And for other and further reasons as may be given at the hearing of this cause.

THOMAS L. HENNESSEY, P.A.

By *Thomas L. Hennessey*
407 West Pennsylvania Avenue
P. O. Box 5473
Towson, Maryland 21204
823-7710
Attorneys for Protestants-Appellants

MAIL CERTIFICATION

I HEREBY CERTIFY, that a copy of the foregoing Petition in accordance with Rule 8-2(e), was mailed, postage prepaid, this 29th day of October, 1982, to William E. Hammond, Zoning Commissioner for Baltimore County, County Office Building, Towson, Maryland 21204; Richard A. Reid, Esquire, Attorney for Harold W. Gore, Petitioner, Suite 600, 102 West Pennsylvania Avenue, Towson, Maryland 21204, and John W. Hession, Esquire, People's Counsel for Baltimore County, Court House, Towson, Maryland 21204.

Thomas L. Hennessey

LAW OFFICES OF
THOMAS L. HENNESSEY, P.A.
TOWSON, MD. 21204

-2-

IN THE MATTER OF THE APPLICATION OF HAROLD W. GORE FOR A SPECIAL EXCEPTION AND A SPECIAL HEARING ON PROPERTY LOCATED ON THE SOUTH SIDE OF HART RD., 3,456 ft. NORTHEAST OF PROVIDENCE RD. 9th District

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW Misc. Doc. No. 14 Folio No. 321

Zoning File No. 81-206-XSPH File No. 82-M-316

CERTIFIED COPIES OF PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND THE BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come William T. Hackett, Leroy B. Spurrier and Patricia Phipps, constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above entitled matter, consisting of the following certified copies or original papers in file in the office of the Zoning Department of Baltimore County:

ZONING ENTRIES FROM DOCKET OF ZONING COMMISSIONER OF BALTIMORE COUNTY

No. 81-206-XSPH

- April 16, 1981 Petitions of Harold W. Gore for special exception for a radio studio and a special hearing for an amendment to the site plan in Case No. 76-142-X for expansion of operation, on property located on the south side of Hart Rd., 3,456' northeast of Providence Rd., 9th District - filed
- April 16, 1981 Order of Zoning Commissioner directing advertisement and posting of property - date of hearing set for June 3, 1981, at 2:00 p.m.
- May 14, 1981 Certificate of publication in newspaper - filed
- May 16, 1981 Certificate of Posting of property - filed
- May 22, 1981 Comments of Baltimore County Zoning Plans Advisory Committee - filed
- May 25, 1981 " " " " Director of Planning - filed

Harold W. Gore
Case No. 81-206-XSPH

- June 3, 1981 At 2:00 p.m. hearing held on petitions by Deputy Zoning Commissioner
- July 16, 1981 Order of Deputy Zoning Commissioner denying special exception and special hearing
- August 12, 1981 Order of Appeal to County Board of Appeals from Order of Deputy Zoning Commissioner
- March 24, 1982 Hearing on appeal before County Board of Appeals
- June 17, 1982 Continued hearing on appeal before County Board of Appeals
- September 22, 1982 Order of County Board of Appeals granting special exception and approving an amended site plan
- October 20, 1982 Order for Appeal filed in the Circuit Ct. for Baltimore County by Thomas L. Hennessey, Esq., on behalf of Protestants
- October 21, 1982 Certificate of Notice sent to all interested parties
- November 1, 1982 Petition to accompany Order for Appeal filed in the Circuit Ct. for Baltimore County
- November 1, 1982 Petition for Extension of Time for Transmission of Record to 12/19/82
- January 13, 1983 Second Petition for Extension of Time for Transmission of Record to 1/19/83
- January 18, 1983 Transcript of testimony filed - 2 Volumes
- People's Counsel Exhibit No. A - Hand drawn map

" " " " 1A-1G-1J - 3 Photos of area

Petitioner's Exhibit No. 1 - Photo, Gibraltar Home

" " " " 2 - Plat

" " " " 3 - Description of subj. property

" " " " 4 - Plat plan dated 8/22/76

" " " " 5 - Photogrametric Map, April 1953

" " " " 6 - Plat

" " " " 7 - Pamphlet from Utility Tower Co.

" " " " 8 - Sheet containing 6 photographs

Protestants' Exhibit No. 1 - Overlay on tax map (Bd. of Appeals closest)

" " " " 2 - Plat

" " " " 3 - Zoning description of property

" " " " 4 - Remainder of Case file 76-142-X

Harold W. Gore
Case No. 81-206-XSPH

Protestants' Exhibit No. 5 - Reel 1, 25607 film 65458

" " " " 6 - Reel 2, 25607 film 65459

" " " " 7 - Chart of Hart Road

" " " " 8 - Letter, Gilbert Doyle Oct. 10, 1962, from Hart Rd. residents

" " " " 9 - Letter dated 1/5/73

" " " " 10 - Letter dated 1/18/73

" " " " 11 - Letter to Jefferson by Mr. Thomas

" " " " 12 - Photostatic copy of photos taken by Mr. Thomas

" " " " 13 - Letter to J. Hession from Edgar Thomas

" " " " 14 - Plat (2 pages)

" " " " 15 - 2 pages overlay Balto. Co. tax map

" " " " 16 - A thru J - series of photos of surrounding area (only F is marked)

" " " " 17 - Drawing showing homes on Hart Road

" " " " 18 - A thru G - series of photos showing subj. property (People's Counsel also has 3 of these photos)

" " " " 19 - Petition for special exception for identification only

" " " " 20 - Letter to DiNanna from Thomas (for identification only)

January 18, 1983 Record of proceedings filed in the Circuit Ct. for Baltimore County

Record of proceedings pursuant to which said Order was entered and said Board acted are permanent records of the Zoning Department of Baltimore County, and your respondents respectively suggest that it would be inconvenient and inappropriate to file the same in this proceeding, but your respondents will produce any and all such rules and regulations, whenever directed to do so by this Court.

cc: Richard A. Reid, Esq.
Thomas L. Hennessey, Esq.
John W. Hession, III, Esq.

Respectfully submitted,

John Holmen
John Holmen, County Board of Appeals
of Baltimore County

LAW OFFICES

Thomas L. Hennessey, P.A.

THOMAS L. HENNESSEY
JAMES D. O'CONNOR

January 13, 1983

HAND-DELIVERED

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

Re: Case No. 81-206-XSPH
Misc. Docket: 14, Folio: 321, Circuit Court
for Baltimore County at Law File No. 82-M-316
Harold W. Gore

Gentlemen:

Per your request, enclosed please find copies of the Orders signed in the above-captioned case extending the time for the transmission of the record. As you can see, one Order was signed by Judge Raine on October 29, 1982 and the other Order was signed by Judge DeWaters on December 15, 1982. If you should require anything further, please do not hesitate to contact us.

Yours very truly,

Thomas L. Hennessey
Thomas L. Hennessey

TLH/JOC/kan
Enc.

AREA CODE 301 823-7710

101 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
FILING MAIL ADDRESS
BOX NO. 5473
TOWSON, MARYLAND 21204

IN THE MATTER OF THE APPLICATION OF HAROLD W. GORE FOR A SPECIAL EXCEPTION AND A SPECIAL HEARING ON PROPERTY LOCATED ON THE SOUTH SIDE OF HART ROAD, 3,456 ft. NORTHEAST OF PROVIDENCE ROAD 9th District

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW Misc. Docket No. 14 Folio No. 321

Zoning File No. 81-206-XSPH File No. 82-M-316

ORDER

Upon consideration of the foregoing Petition For Extension of Time for Transmission of Record, it is this 24th day of October, 1982, by the Circuit Court for Baltimore County,

ORDERED, that an extension of time be granted for transmission of the record of the proceedings before the County Board of Appeals in the above-captioned case so that the record of the proceedings is to be furnished on or before December 19, 1982.

John E. Raine Jr.
Judge

True Copy Test
ELMER H. KAHLIN, JR., Clerk
Per *Bruce A. Hall*
Assistant Clerk

LAW OFFICES OF
THOMAS L. HENNESSEY, P.A.
TOWSON, MD. 21204

IN THE MATTER OF THE APPLICATION OF HAROLD W. GORE FOR A SPECIAL EXCEPTION AND A SPECIAL HEARING ON PROPERTY LOCATED ON THE SOUTH SIDE OF HART ROAD, 3,456 ft. NORTHEAST OF PROVIDENCE ROAD 9th District

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY AT LAW Misc. Docket No. 14 File No. 82-24-316

ORDER

Upon consideration of the foregoing Petition For Extension of Time for Transmission of Record, it is this 15th day of December, 1982, by the Circuit Court for Baltimore County,

ORDERED, that an extension of time be granted for transmission of the record of the proceedings before the County Board of Appeals in the above-captioned case so that the record of the proceedings is to be furnished on or before January 18, 1983.

True Copy Test
ELMER H. KARLINE, JR., Clerk
Per S. Seiders
Clerk

LOW OFFICE OF
BALTIMORE, MD.
21204

RECEIVED
BALTIMORE
JAN 13 2 11 PM '83
CLERK'S OFFICE
8-1-83

RAR/keg
3/4/81

MEMORANDUM IN SUPPORT OF PETITION FOR SPECIAL EXCEPTION FOR RADIO STUDIO AND PETITION FOR SPECIAL HEARING, CONCERNING AMENDMENT TO CASE NO. 76-142X

Jaco Broadcasting of Maryland, Inc. and Jaco Broadcasting of Toledo, Inc. (hereinafter referred to collectively as "Jaco") operate and broadcast through station WTOW in Towson. The studio is currently located in the Dulaney Valley Shopping Center and the transmitter and tower are located on the subject property on Hart Road, which Jaco leases from Harold W. Gore. Jaco now desires to move its studio from the Dulaney Valley Shopping Center to the subject site. The studio will be housed in the residential structure shown on Exhibit 1 attached hereto. The residential structure will abut the existing transmitter to which it will be connected by interior doors, be located in front of the transmitter and screen the view of the transmitter from Hart Road.

It is anticipated that seven full time people will be employed at the studio. There is ample parking provided to accommodate these employees. It is not anticipated that the studio will generate anything but rare and incidental business traffic so that, in reality, the only addition to traffic on Hart Road will be by the employees going to and from work and will be staggered since such employees work different hours between 6:00 a.m. and 8:30 p.m. Accordingly, the granting of the special exception will not tend to create a traffic hazard or excessive traffic congestion.

The property upon which the existing transmitter and tower are located is adjacent to the property upon which is located

ROYSTON, MUELLER,
McLEAN & REID
SUITE 600
102 W. PENNS. AVE.
TOWSON, MD. 21204
823-1800

1/ The transmitter and tower were the subject of Zoning Case No. 76-142X.

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

Dec. 9, 1981

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. 81-206-XSPH

HAROLD W. GORE

S/s Hart Rd., 3456' NE of Providence Rd.

9th District

SE-Radio Studio

SPH-Amendment to site plan

7/16/81 - DZC DENIED special exception and special hearing

ASSIGNED FOR:

TUESDAY, JANUARY 26, 1982, at 10 a.m.

cc: Richard A. Reid, Esq.

Counsel for petitioner

Harold W. Gore

Petitioner

Thomas L. Hennessey, Esq.

Counsel for protestants

Charles E. Thomas, Jr.

Protestant

J. T. Manning

"

L. J. Fink

"

W. Skinner

"

G. Mott

"

D. Skinner

"

K. McGonnigal

"

C. Brown

"

J. Tapocati

"

M. Cooper

"

R. Mott

"

L. Cooper

"

F. Mott, Jr.

"

R. McGonnigal

"

F. C. Back

"

J. Dyer

J. Howell

J. Jung

W. Hammond

N. Gerber

J. Hession, Esq.

June Holmen, Secy.

the transmitter, tower and studio of WLIF. The use sought herein is then in harmony with similar uses in the neighborhood and should be granted.

Richard A. Reid
Richard A. Reid
Suite 600
102 W. Pennsylvania Avenue
Towson, Maryland 21204
823-1800
Attorney for Petitioner

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

March 26, 1982

NOTICE OF ASSIGNMENT

(CONTINUED HEARING)

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. 81-206-XSPH

HAROLD W. GORE

S/s of Hart Rd., 3456' NE of Providence Road

9th District

SE-Radio studio

SPH-Amendment to site plan

7/16/81 - DZC DENIED special exception and special hearing

ASSIGNED FOR:

THURSDAY, JUNE 17, 1982, at 10 a.m.

cc: Richard A. Reid, Esq.

Counsel for Petitioner

Harold W. Gore

Petitioner

Thomas L. Hennessey, Esq.

Counsel for Protestants

Charles E. Thomas, Jr.

Protestant

James T. Manning

"

Lyndon Fink

"

Wayne Skin

"

Geneva Mott

"

Donald P. Skinner

"

Katie McGonnigal

"

Ciaro Brown

"

Jim Tapocati

"

Madeline Cooper

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Randall Mott

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Larry Cooper

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Fred Mott, Jr.

"

Richard McGonnigal

"

Frederick Back

"

J. Dyer

"

J. Jung

"

N. Gerber

"

J. Howell

"

W. Hammond

"

J. Hession, Esq.

"

People's Counsel

RECEIVE THE COUNTY BOARD OF APPEALS

HAROLD W. GORE
S/s Hart Road, 3,456' of Providence Road
9th District
SE-Radio Studio
SPH-Amendment to site plan
7/16/81 - DZC DENIED special exception and special hearing
CASE NO. 81-206-XSPH

SUBPOENA DATES TECHNICAL TO RULES OF PROCEDURE FOR BALTIMORE COUNTY BOARD OF APPEALS, RULE 5A and 5B

To: County Board of Appeals
c/o Mr. Edith T. Eisenhart, Administrative Secretary
Room 219, Court House
Towson, Maryland 21204

Please issue a Subpoena DATES TECHNICAL as captioned above to Mr. Robert A. Norton, P.E., Chief, Bureau of Public Services, or his designated agent, to produce before the Board the file for Public Works Agreement, Project Belvedere Baptist Church, Hart & Chelmsley Roads, Project No. 7027, District 9-04, and to include with the file all traffic comments and plans as well as a letter of June 3, 1977, to the Belvedere Baptist Church, the highway comments in the subdivision review of February 25, 1977 as to Hart Road and Chelmsley Road, the subdivision review comments from the Department of Traffic filed by Mr. C. Richard Moore, Assistant Traffic Engineer, as to Hart Road and Providence Road. The reason for the request is in regard to the production of evidence in connection with the Protestants' case as to traffic congestion and other factors in connection with Zoning Rule 502. Please make the same returnable to the County Board of Appeals, Room 219, Court House, Towson, Maryland 21204, on Wednesday, March 24, 1982, at 10 a.m.

THOMAS L. HENNESSEY, P.A.

By: Thomas L. Hennessey
407 West Pennsylvania Avenue
P.O. Box 5473
Towson, Maryland 21204
Phone: 823-7710
Attorney for the Protestants

Mr. Sheriff:

Please serve the above summons.

June Holmen, Board of Appeals

Because of the absence of limitations spelled out in the Special Exceptions granted for Wireless Transmitting Structures ("antennas") on this site, which has resulted in a very great enlargement of their size from those created originally, I believe it is necessary for protection of the neighborhood and its residential character that limits be placed on any new or additional Special Exceptions which may be granted.

I request that you give consideration to including limits to the Special Exception, if granted; to limit the Radio Studios to "a floor area not greater than twice their present size" appears appropriate both to the needs of WLIF and of the neighborhood.

Very truly yours,

C. Edgar Thomas

Mr. Eric D. D'Amico
Zoning Commissioner
Baltimore Co. Office Building
Towson, Md 21204

Subject: Case 77-37-X
(Radio Studios for WLIF, Hart Road)

Dear Mr. D'Amico:
I wish to acquiesce to the subject Petition by WLIF, but request that if granted by you, restrictions be incorporated in that approval, which will provide clearly-stated limits to any present or future expansion to use of the site for radio studios.

Based on discussions with Mr. Brian J. Dyer and his attorney Mr. James Mott of WLIF and with Mr. James Dyer of your office, I understand that the Petition includes a site-plan or description showing the present studio building and potential expansion to one approximately twice that size.

I also understand that it is the Zoning Office policy that use of Special Exceptions is limited to that described

RE: PETITION FOR SPECIAL EXCEPTION
S/S of Hart Road, 4050' E of Providence
Road - 9th Election District
Robert W. Sudbrink - Petitioner
NO 77-37-X (Item No. 243)

BEFORE THE
DEPUTY ZONING
COMMISSIONER
OF
BALTIMORE COUNTY

This matter comes before the Deputy Zoning Commissioner as a result of a Petition for a Special Exception on behalf of radio station W.L.I.F. for radio studios in a D.R.1 Zone, located on the south side of Hart Road, 4,050 feet east of Providence Road, in the Ninth Election District.

The existing radio and transmitting facilities, and studios, are located at the aforementioned address, where they have been operating, more or less, continuously since December, 1970.

Testimony offered at the hearing indicated that a Special Exception for a radio station, Case NO. 3579-X, was granted at the subject location in 1955, but that none exists for the studios, thereby necessitating the current action.

In conjunction with the Petition for the present studios, housed in an 800 square foot building, the Petitioner requests expansion to the extent of an additional 800 square feet for possible future utilization.

Without reviewing the evidence further in detail, but based on all the evidence presented at the hearing, in the judgement of the Deputy Zoning Commissioner, the prerequisites of Section 1B01.1C.15 have been met and the Special Exception should be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 17TH day of August, 1976, that the Special Exception for radio studios and the expansion thereof should be and the same is GRANTED from and after the date of this Order, subject to the following:

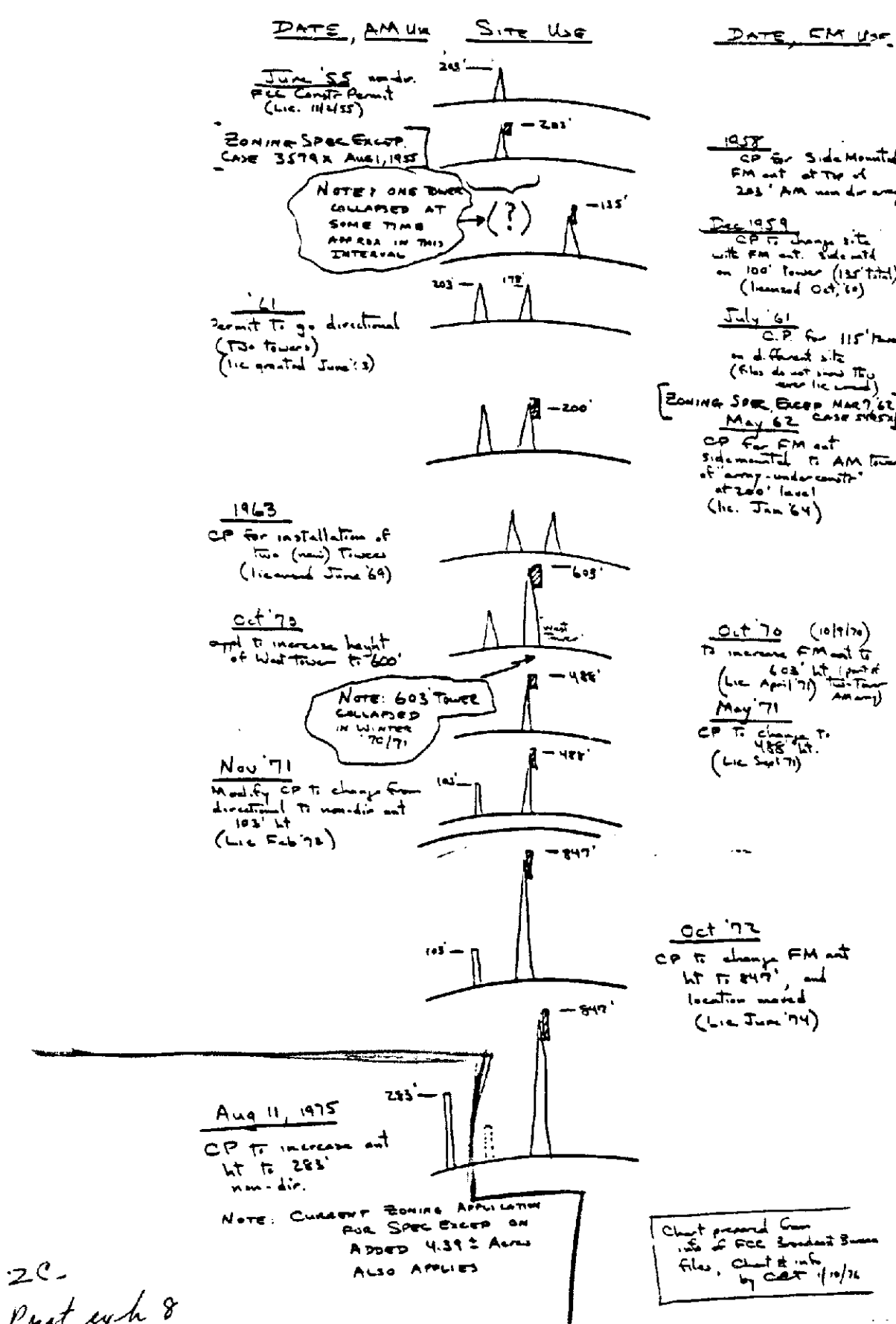
1. Expansion of radio station W.L.I.F.'s facilities, or the facilities of any future station operating at the subject location, shall be limited to the above referenced 800 square foot addition.
2. Approval of a site plan by the Baltimore County Department of Public Works and the Office of Planning and Zoning.

George J. Martinak
Deputy Zoning Commissioner of
Baltimore County

2. 2.
81-206-XSPH
PROTESTANTS EXHIBITS

1. Petitions (5 pages)
2. Photograph - sign
3. Photograph - road & woods
4. Photograph - Zoning sign at Hart & Providence
5. Photogrammetric map marked with road widths & residences
6. 7 photos
7. Area Zoning map
8. Chronological Chart

CHRONOLOGICAL CHART OF
EXPANDING UTILIZATION OF HART ROAD
SITE OF W.L.I.F./W.T.O.W. (ind. w/age)



Petition 81-206X Hart Road

I, the undersigned, a resident of the neighborhood of Hart Road, immediately affected by a proposed zoning special exception petition for changes to the property on the south side of Hart Road, East of Providence Road, hereby wish it known:

1. That I object as to any further enlargement of the commercial use by radio studios and radio antenna in our residential neighborhood.
2. That the expansion of wireless transmission facilities impedes the quiet enjoyment of our homes and could be detrimental to our safety, welfare and to the general public good of our residentially designed neighborhood.
3. That in the past we have consented, or our predecessor in title have consented, to the gradual expansion of useage of this property.
4. That the traffic pattern, the insufficiency of road availability, the danger of fire and lack of service of a fire and police nature due to the limitation of the road size makes the further addition incompatible and unacceptable.
5. The last concession granted by the Deputy Zoning Commissioner, George Martinak, limited the "expansion of radio station W.L.I.F.'s facilities or the facilities of any future stations operating in the subject location shall be limited to the above 800 square foot addition" which Order was accompanied by a plat. The owners, developers and successors in title have breached the good faith of past negotiations of the residents of the neighborhood and wish a further encroachment upon our tranquility and residentially zoned lands.
6. My property is in the immediate vicinity of the requested change in the special exception.
7. It is my wish that this statement of protest be added to the Zoning Commissioner's file to be considered at the hearing in addition to testimony which I might make available at that time.

NAME: *Robert W. Sudbrink* ADDRESS: *1022 Hart Rd* DATE: *6/2/81*
TOWNSHIP: *1101 Hart Rd* TOWNSHIP: *1101 Hart Rd*

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NAME: *Kathleen M. Johnson* ADDRESS: *1022 Hart Rd* DATE: *June 2, 1981*
Paul Charles Beck *1025 Hart Rd* *June 2, 1981*
Doug L. Smith *1025 Hart Rd* *June 2, 1981*
Kathleen M. Johnson *1022 Hart Rd* *June 2, 1981*
Carol Wagner Johnson *1007 Hart Rd* *6/2/81*
Silvia C. Culotta *1007 Hart Rd* *6/2/81*
Mary Jane Culotta *1027 Hart Rd* *6/2/81*

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NAME: *Mildred C. Cooper* ADDRESS: *1107 Hart Rd* DATE: *6/2/81*
Lorraine J. Cooper *1107 Hart Rd* *6/2/81*
James M. Cooper *1111 Hart Rd* *6/2/81*
Phyllis M. Cooper *1111 Hart Rd* *6/2/81*
Ben A. Cooper *1103 Hart Rd* *6/2/81*
Paul J. Cooper *1103 Hart Rd* *6/2/81*
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NAME: *Paul P. Cooper* ADDRESS: *1020 Hart Rd* DATE: *2 June 81*
Paul P. Cooper *1020 Hart Rd* *2 June 81*
Paul P. Cooper *1003 Hart Rd* *2 June 81*
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